

Man Guilty But Mentally Ill In Huron Death

HURON (AP) — A jury on Friday found Edwin Thompson guilty but mentally ill to a charge of second-degree murder. Thompson was charged in the November 2009 death of 21-year-old Ryan Treadway in Huron. Prosecutors said he kicked and stomped on Treadway, causing head injuries that resulted in death. The verdict from the six-man, six-woman jury came after a four-day trial and about 90 minutes of deliberation. Thompson had pleaded not guilty and not guilty by reason of insanity. The final court session involving closing arguments and the verdict marked the first time that audio and video recording of circuit court proceedings were allowed under new court rules that took effect Friday.

Most S.D. Campsites Booked Despite Flooding

SIOUX FALLS (AP) — Flooding isn't keeping people away from South Dakota parks over the Fourth of July holiday weekend. The *Argus Leader* reports that nearly all of the state's 4,000 campsites are booked. That excludes the roughly 500 sites that are unavailable due to flooding. Flooding along the Missouri River and elsewhere has closed seven parks for the season and restricted access to dozens of boat ramps. State Parks Director Doug Hofer says the Game, Fish and Parks Department has documented 20 parks with significant damage, and the list is likely to grow. But Hofer points out that most of the state parks system is unaffected by flooding, and he urges people not to cancel their summer plans.

Seepage Berm Will Safeguard Neb. Levee

BELLEVUE, Neb. (AP) — A seepage berm is being built near a Bellevue levee holding back the swollen Missouri River. The U.S. Corps of Engineers says a \$463,000 contract was awarded Thursday to Coastal Environmental Inc. to build the berm. Work was expected to begin Friday and wrap up Saturday. The seepage berm would border the levee and allow water to seep through the levee and into the berm. The corps says it'll help safeguard the integrity of the levee. The corps is releasing massive amounts of water into the Missouri River from dams upstream. Those releases will keep the river above flood stage in eastern Nebraska and western Iowa at least into August.

Hole Blown In Levee To Return Water To River

COUNCIL BLUFFS, Iowa (AP) — Someone has created a hole in a private levee in western Iowa to allow floodwaters to drain back into the Missouri River, but officials weren't told about the plan beforehand. County Attorney Matt Wilbur says explosives were used Friday morning to breach the private levee in rural Pottawattamie County. The same levee developed a breach upstream last weekend at a spot just south of U.S. Highway 30 near Missouri Valley, letting floodwaters cover farmland. Officials said no government entity was involved with breaching the levee. Officials are checking to make sure the explosives were handled by a licensed user. But otherwise, Wilbur says the breach doesn't appear to have broken any laws because the levee was private. Wilbur says he's disappointed that the county wasn't informed about the breach beforehand.

Man Convicted Of Double Murder Killed

LINCOLN, Neb (AP) — The Nebraska Department of Correctional Services says a North Platte man serving a life sentence for a double murder died in a prison stabbing. Twenty-two-year-old Michael Grandon died Thursday from wounds suffered at the Nebraska State Penitentiary. Grandon pleaded guilty in 2007 to first-degree murder and to aiding and abetting first-degree murder in the slayings of 38-year-old Lori Solie of North Platte and her five-year-old daughter. The *Lincoln Journal-Star* says Grandon was stabbed during an incident with another inmate and died at a nearby hospital. The Nebraska State Patrol and the Corrections Department are investigating Grandon's stabbing, and a grand jury will be convened to look into his death while in custody.

Mosquitoes In 3 Neb. Counties Have West Nile

LINCOLN, Neb. (AP) — Mosquito pools in three Nebraska counties have tested positive for West Nile virus. The state Department of Health and Human Services says the positive results came from recent tests done in Madison, Dawson, and Douglas counties. Nebraska's chief medical officer, Joann Schaefer, says it's still early in the season so the virus will likely surface elsewhere in the state. She urges people to take precautions, such as wearing mosquito repellent and wearing long-sleeved shirts and pants outside when mosquitoes are active. West Nile virus is transmitted to humans through the bite of a mosquito that has picked up the virus by feeding on an infected bird. Last year in Nebraska, there were 48 confirmed human cases and two deaths from West Nile.

SURVEY:

Midwest Economic Growth Slowing

OMAHA, Neb. (AP) — Growing energy prices combined with weather-related supply problems has slowed economic growth in nine Midwestern and Plains states, according to a new monthly survey released Friday. Creighton University economist Ernie Goss said the earthquake and tsunami that struck Japan in March, followed by flooding throughout the region hasn't helped business. "Higher energy prices, and supply disruptions related to the Japanese tsunami and to floods in the Mid-America region are clearly slowing growth in the economy and cooling rapid commodity price growth," Goss said. As a result, the overall index for the Mid-America region dropped in June, to 54.9 from 60.2 in May. The June index is still above 50, so the region's economy should continue growing in the next three to six months, but the growth has slowed since earlier this year. The survey of supply managers and executives and the report use a collection of indexes ranging from zero to 100. Any score above 50 suggests growth in an index while a score below 50 suggests that index will decline. States in the survey are Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma and South Dakota. The business managers who responded to the survey are less optimistic about the economy. The confidence index dropped to 52.3 in June from May's 60.4 and April's 57.5. "Energy prices combined with uncertainty surrounding the national economy and U.S. debt situation served to puncture business confidence for the month," Goss said. The June job index also declined but remained in positive territory at 53.6 in June, down from May's 58.1. Goss said it appears that companies will continue hiring in the region, but at a slower pace. The survey's inflation gauge, which tracks the cost of raw materials and supplies, continues to indicate significant cost increases

even though it declined. The prices-paid index decreased to 74.3 in June from May's 84.9 and April's record high 94. The inventory index fell to 51 in June from May's 58.9, and supply managers in the survey said flooding in the region was creating delivery problems. The Missouri River and many smaller rivers are overflowing because of heavy spring rains and above-average snowpack in the mountains. The flooding is disrupting key highways and rail lines. The region's exports declined a bit in June as the dollar strengthened. The export index declined to 54.9 in June from May's 60.1. The other components of the June index were: — New orders at 55.9, down from May's 59.6. — Production or sales at 53.8 in June, down from 60.9. — And delivery lead time at 60.1, down from May's 63.6.

TCF National Requests Judge To Drop Lawsuit Over Fees

BY DIRK LAMMERS
Associated Press

SIOUX FALLS — A Minnesota-based bank is asking a federal court to dismiss its lawsuit that sought to prevent debit card transaction fee limits from taking effect. TCF National Bank, a subsidiary of TCF Financial Corp., sued Federal Reserve Chairman Ben Bernanke and its board of governors in U.S. District Court in South Dakota in October, saying the regulations were unconstitutional. The bank has said that the Durbin Amendment to the Wall Street Reform and Consumer Financial Protection Act of 2010 forces banks to do business below market rate and would mean a loss of \$6 million a month for TCF National. "While we continue to believe that the Durbin Amendment is unconstitutional because it requires below-cost pricing and exempts 99 percent of all U.S. banks, we believe our lawsuit has served its purpose in demonstrating the unfairness of the Durbin Amendment and that it is time for us to move on," William Cooper, TCF National Bank's chairman and chief executive, said in a statement Thursday. "The Federal Reserve Board's final rule is an improvement from its initial proposal and recognizes many of the points we made in our case." Beginning this fall, banks will only be al-

lowed to charge retailers 21 cents for each debit card transaction, plus an additional 0.05 percent of the purchase price to cover the cost of fraud protection. The Fed's final rule issued Wednesday is not as punitive for banks as the Fed's earlier proposal, which had sought to cap fees at 12 cents per transaction. U.S. District Judge Lawrence Piersol had denied TCF National's request for a preliminary injunction against the Fed, and an appeals court upheld that decision Wednesday. In its written ruling, the three-judge panel of the 8th U.S. Circuit Court of Appeals said that since TCF is free under the Durbin Amendment to assess fees on its customers to offset any losses, it's skeptical that the amendment has created a price control on the bank's debit-card business. In 2009, \$1.21 trillion in purchases were paid for with debit cards processed through the Visa and MasterCard networks, generating \$19.7 billion in fees paid by merchants, according to data from The Nilson Report, a trade publication. Most of the fees went to banks that issue debit cards. The Durbin Amendment exempts banks and credit unions with total consolidated assets under \$10 billion. That, TCF National's attorneys argued, gives thousands of unaffected banks an unfair advantage.

Judge Sides With Costner In Dispute

RAPID CITY (AP) — A judge sided with Kevin Costner in a breach-of-contract lawsuit against him over a public display of bronze sculptures commissioned by the actor for a resort that hasn't been built in South Dakota's Black Hills. State Judge Randall Macy ruled this week that Costner met the terms of a contract with local artist Peggy Detmers when he instead placed the "Lakota Bison Jump" bronze collection at his Tatanka attraction near Deadwood. Macy wrote that Detmers' participation in the development of the Tatanka site and the placement of the 17 sculptures there indicated she approved of the site, the *Rapid City Journal* reported Friday. Detmers declined to comment to the *Journal*. Costner attorney Jim Nelson said the actor was "well satisfied with the decision." Costner commissioned Detmers to create the 125-percent-life-scale sculptures of 14 bison and three American Indian hunters on horseback as the centerpiece for his proposed Dunbar resort, which hasn't materialized after 20 years.

A contract required Costner to publicly display the sculptures by 2010 if the resort was not built. If Costner and Detmers could not agree on a site, Costner would sell the sculptures and split the proceeds with Detmers. Detmers said she had little input in the Tatanka decision and sued Costner to force a sale. In February trial testimony, she estimated the art work's retail value at \$4 million. Costner spent \$6 million to develop the Tatanka site that includes the sculptures and a visitors' center. Macy said Costner would not have invested in a permanent home for the sculptures without Detmers' agreement, knowing the only alternatives were to sell or find an agreeable location. "The court cannot endorse such an absurd result," Macy wrote. Costner announced plans to build The Dunbar shortly after the 1990 release of his Academy-Award-winning movie "Dances With Wolves," much of which was filmed in South Dakota. The resort was named for his movie character, Lt. John J. Dunbar.

Cameras Used In S.D. Trial For First Time

HURON (AP) — Marking a first in South Dakota, news cameras and recording equipment were allowed inside a courtroom Friday to record the closing arguments and verdict of a trial. The murder trial of a Huron man was the first where video, still cameras and audio recording devices were allowed in the state's trial-level courts under a law that went into effect Friday. The South Dakota Supreme Court approved the rules in February. The equipment will be allowed in circuit court hearings and trials only when a judge and all parties to a case agree. If all parties do not agree to have cameras in the courtroom, a judge can allow only audio coverage if he or she determines that would be appropriate. The first case under the new law was the trial of Edwin Thompson, who was found guilty but mentally ill on a charge of second-degree murder Friday afternoon after a jury deliberated for about 90 minutes. Thompson was charged in the November 2009 death of 21-year-old Ryan Treadway in Huron. Prosecutors said he kicked and stomped on Treadway, causing head injuries that resulted in death. KELO-TV of Sioux Falls broadcasted live the closing arguments and verdict. Performance Radio of Huron gathered audio coverage and a photographer for The Associated Press and South Dakota Newspaper Association took still photos. The 2008 Legislature repealed a state law that had banned radio and television broadcasting and the taking of photographs in circuit court, a move that left the decision up to the state Supreme Court. The high court then appointed a panel of judges, lawyers and representatives of news organizations to study the issue. The majority of the committee last year recommended a proposal from presiding circuit judges that would open circuit court proceedings only if a judge and all parties to a case agreed. The high court adopted that proposal, but then added the second option allowing audio recording at a judge's discretion in cases where cameras are not allowed in the courtroom.

Flooding

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stress of rapid floodwaters, he explained. Thune said he didn't want to get into speculation about permanent levees. However, he said the current system seems flawed. "We have seen this in North Dakota, where they take down

levees and rebuild them. It seems to defy common sense, if we expect the same weather concerns for the following years," the senator said. "You have all the expense of putting (levees) up, then taking them down and putting them up again. At some point, we need to come back and apply some common sense." At the state level, Lt. Gov. Matt Michels — a Yankton native — said Gov. Daugaard is grateful

that no lives have been lost in the flooding. However, South Dakotans have lost homes and businesses, and that issue needs to be addressed, Michels stated. The South Dakota National Guard has played a tremendous role in the flood-fighting efforts and remains on call if needed, Michels said. The state's residents have also emerged as a huge resource in battling the floods, he said.

"People come from different states, and they are so impressed with how everyone (in South Dakota) takes care of each other," the lieutenant governor said. The Federal Emergency Management Agency (FEMA) is inspecting losses throughout the state, including southeast South Dakota, Michels said. Public infrastructure is much more likely than private property to receive

federal assistance, he added. Even private property that qualifies for federal assistance usually receives only a small amount of aid, Michels noted. State government holds enough reserve funds to cover the flood damage, Michels said. However, leaders are optimistic

the state will receive federal reimbursement for most of the costs, he added. "FEMA officials have never had a disaster like this, hanging around for months," the lieutenant governor said.

STIP Public Meetings
S.D. Dept. of Transportation has developed a Tentative 2012-2016 Five-Year Statewide Transportation Improvement Program (STIP). The Tentative STIP includes all the state sponsored transportation projects for this time period. Prior to final approval of the STIP by the Transportation Commission, public meetings will be held on the following dates and locations to receive public comment on the tentative program.

July 12, 2011	Ramada Inn	Aberdeen	7:00 PM
July 21, 2011	Ramkota Hotel	Rapid City	7:00 PM
July 26, 2011	Ramkota Hotel	Sioux Falls	7:00 PM
July 27, 2011	Highland Conference Center	Mitchell	7:00 PM
July 28, 2011	Ramkota Hotel	Pierre	7:00 PM

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