

Woman Who Sold Drugs Is Sentenced

YORK, Neb. (AP) — A Nebraska judge has sentenced a woman to prison for distributing marijuana and prescription drugs at her home, a place she called a temple for religious drug use.

Brenda Hines, of York, was convicted in May of four drug charges, including one for maintaining a place for drug trafficking. She had testified that what she called her Temple of Zion reflected her religious beliefs and that God provided the marijuana she sold to temple members.

Hines, 53, was sentenced Monday to a term of two to four years on three counts and three months on a fourth count, the *York News-Times* reported. The sentences will be served concurrently, meaning that Hines' total sentence will be two to four years, with credit for the 33 days she already spent in custody.

Police officers testified during her trial that they seized marijuana, marijuana seeds, prescription drugs that weren't prescribed to Hines but in her possession, cash, containers with drug residue and a digital scale.

Hines said that smoking marijuana was "partaking in the sacrament" and during trial, read from the Bible and said she interpreted the verses to mean that "marijuana is of God and to smoke marijuana is of God."

During closing arguments, York County Attorney Candace Dick contended that, "We cannot interpret the Bible in our own way to justify breaking the law."

"We cannot declare ourselves exempt from our drug laws," she said. "Even Ms. Hines knows it is illegal to do what she's been doing, yet she chose to assume the risks and do it anyway. ... Another word for her temple is a drug house - it is a place where people go to use marijuana, buy marijuana and traffic drugs."

Hines said that she intends to appeal. She was remanded to the custody of the sheriff's department for immediate transport to the Nebraska Department of Corrections.

Proposal Would Require Redistricting

PIERRE (AP) — The South Dakota Farmers Union has proposed amending the state constitution so that a commission redraws the state's legislative districts every 10 years instead of lawmakers.

Attorney General Marty Jackley announced the proposed constitutional amendment Tuesday and explained its impact.

Currently, the Legislature must redraw the boundaries of legislative districts every decade to reflect population changes reported by the census.

Jackley says the proposed changes would create a commission made up of nine registered voters selected each decade from a pool of up to 30 applicants. The pool would consist both of applicants registered with South Dakota's two largest political parties and non-affiliated voters.

To get a constitutional amendment on the ballot requires 27,741 signatures, which must be submitted to the state by Nov. 9, 2015.

State Rep. Recovering From Stroke

SIoux FALLS (AP) — A Republican legislative leader says that state Rep. Tim Rounds is recovering in the hospital after suffering from a stroke.

House Majority Leader Brian Gosch said Tuesday that the Pierre Republican could be released from a Sioux Falls hospital this weekend.

Gosch, who visited Rounds in the hospital last week, says he has received visits from a significant number of legislators.

First elected to the state House in 2002, Rounds served eight years and then came back after skipping an election because of term limits. He has served as chairman of the House Commerce and Energy Committee and is the brother of South Dakota Republican U.S. Sen. Mike Rounds.

Gosch says he fully expects that Rounds will return to the Legislature.

Winter Wheat Harvest Getting Underway

SIoux FALLS (AP) — The winter wheat harvest is underway in South Dakota, but the crop isn't as good as farmers had hoped for when they planted it last fall.

Ten percent of the winter wheat in the state has been combined, ahead of zero percent last year at the same time but behind the long-term average of 15 percent, the Agriculture Department said in its weekly crop report.

The crop is rated 7 percent very poor, 22 percent poor, 38 percent fair, 31 percent good and 2 percent excellent.

A dry fall, a cold early winter without snow cover and a dry spring all worked to hurt the crop, according to the Capital Journal. Many farmers dug up winter wheat fields this spring, figuring there was nothing worth saving, and harvested acres are expected to be down 11 percent from last year in South Dakota.

"We probably lost 40 percent of the winter wheat here," said Tim Luken, manager of the Oahe Grain Corp. in Onida. "Some of it still standing is only ankle-high, and thin stands."

The Agriculture Department forecasts the average winter wheat yield, or production per acre, in South Dakota this year to be down 14 percent to 41 bushels per acre. Randy Neuhaus, who harvested winter wheat Monday near Fort Pierre, said his yields aren't quite average this year.

"The first field I did went a little over 40 (bushels per acre), the second one only made about 30 and this one is back up to about 40," he said.

The state's corn and soybean crops appear to be in better shape. The weekly crop report says soybeans are rated 76 percent good to excellent, and corn is 77 percent in those categories.

Adult, Child Killed In Crash; Others Hurt

FLANDREAU (AP) — A two-vehicle crash in Moody County killed two people including a child and sent three other children to the hospital with life-threatening injuries.

The Highway Patrol says 38-year-old Joshua Kremppes, of Flandreau, was driving a car that failed to yield at a rural intersection southeast of Flandreau and collided with a pickup truck about 7 a.m. Monday.

Kremppes and 11-year-old passenger Madyson Barbee, of Dell Rapids, died at the scene. Two 7-year-olds and an 11-year-old from Dell Rapids who also were in the car suffered what authorities said were life-threatening injuries and were taken to a Sioux Falls hospital.

The lone person in the pickup suffered minor injuries.

Trailer Fire Believed To Be Arson

LINCOLN, Neb. (AP) — Police have arrested a 19-year-old man they believe started a fire outside his girlfriend's mobile home in Lincoln.

The *Lincoln Journal Star* reports that firefighters were called to the blaze around 12:30 a.m. Monday — the fourth time in less than a month they had been called to the trailer park for a fire.

Investigators say the man moved to the mobile home park about a month ago, around the same time the string of fires there began. One of the fires on July 4 killed a dog.

The man, who has not yet been formally charged, was convicted in 2013 of arson and sentenced to a year in jail for starting a fire in the basement of a vacant Lincoln home.

Town To Keep Minors From E-Cigarettes

GRAND ISLAND, Neb. (AP) — Nebraska law already criminalizes minors possessing e-cigarettes, but Grand Island officials are pursuing a city ordinance declaring the same thing, nonetheless.

City Attorney Bob Sivick tells *The Grand Island Independent* that police asked for the ordinance.

Sivick says the concern comes as e-cigarettes are growing in popularity — particularly among teens.

Sivick says having a city ordinance means the infraction can be prosecuted in municipal court and keep such cases from clogging the Hall County court system, where more serious crimes take precedence. Sivick says it also would give police the ability to confiscate e-cigarettes without the worry of having to return the product to the owner if the county attorney declines to prosecute.

Counties Could Add Many Millions In Property Taxes For Roads, Bridges

BY BOB MERCER

State Capitol Bureau

PIERRE — Today (Wednesday) is the deadline for county governments throughout South Dakota to decide whether to levy an additional tax on property next year for road and bridge improvements.

The provision was part of the sweeping package of tax and fee increases approved by the Legislature this year for roads and projects.

A current analysis by the state Revenue Department found that the property tax levy, if adopted by every county, would raise more than \$66 million statewide.

Some county commissions rejected the additional levy while others continued to consider it this week.

If a county commission decides to add the levy, the new law allows it to be referred to a countywide vote.

The state law limiting growth of property taxes doesn't apply to the initial decision to add the levy. The growth restrictions would apply starting in year two.

State Revenue Secretary Andy Gerlach said Faulk County, for example, decided to approve the levy.

"We heard from a handful of counties that were exploring the option," Gerlach said.

"They have until July 15 to pass the resolution authorizing the levy, but we likely won't know how many were passed until September or October

when we start receiving county budget info," he continued.

Despite its potential \$66 million impact, the levy didn't make headlines during the Legislature's consideration of the highway and bridge package during the 2015 session.

Instead it was overshadowed by legislative debates and public discussions by the tax increases on motor fuels, the fee increases for vehicle registrations, the tax increase on vehicle purchases and the speed limit increase to 80 miles per hour on the interstates.

County governments already had authority under South Dakota law to levy an additional property tax to raise revenue to match federal highway aid for local projects.

But that power was seldom used. The Legislature came up with the new approach that allows county commissions by two-thirds vote to impose the additional levy for roads and bridges and eliminates the federal match requirement.

Counties with \$1 billion or less of taxable property valuation can add a levy of \$1.20 tax per \$1,000 of value.

The 11 counties with more than \$1 billion but less than \$2 billion can levy 90 cents per \$1,000 of value. They are Turner, Hutchinson, Hand, Lake, Hughes, Davison, Spink, Union, Yankton, Beadle and Meade.

The seven counties with more than \$2 billion of valuation can levy 60 cents per \$1,000 value. They are Lawrence, Codington, Brookings, Brown, Lincoln,

Pennington and Minnehaha.

The legislation also allowed county governments to increase the wheel taxes that some charge as part of vehicle registration renewals.

Counties were limited to maximums of \$4 per wheel and \$16 per vehicle. The new maximums are \$5 per wheel and \$60 per vehicle.

The amount a county generates from wheel tax will be a consideration for the state Transportation Commission as part of a new grant program created by the legislation.

The state commission hasn't proposed rules yet for the BIG — bridge improvement grants — program but the new law says counties must have imposed a wheel tax to be eligible.

Each quarter, starting Oct. 1, the law requires \$1,750,000 to be placed in the grant program. The commission then will consider applications and distribute the money.

The opportunity to leverage some additional state aid would seem to make the wheel tax a more popular option at the moment for counties than adding the property tax levy at the same time.

The legislation also allows organized townships to add by vote at the annual township meeting an annual property tax levy of not more than 50 cents per \$1,000 of taxable value to be used for road, bridge and culvert improvements.

Bird Flu Has Potential To Make A Fall Return

BY BOB MERCER

State Capitol Bureau

PIERRE — The avian flu that shut down some poultry farms in South Dakota this spring could be a threat again this fall, when temperatures cool and waterfowl make their southern migration back from Canada, the state's top animal-health official said Tuesday.

South Dakota hasn't seen a new outbreak of avian flu since May 28 but the virus remains active for 180 to 210 days, including at fields and ponds where wild birds stop and feed, State Veterinarian Dustin Oedekoven said.

He told members of the state Animal Industry Board that their May 20 ban against poultry exhibitions such as at 4-H events and the South Da-

kota State Fair should remain in place.

State animal-health officials will give presentations on bio-security to agriculture producers during the Sept. 2-7 State Fair.

The South Dakota outbreaks began in late March and eventually spread into a variety of turkey and chicken farms in eight counties.

Oedekoven and his staff imposed control zones to monitor vehicle traffic and worked with fire fighters to euthanize infected flocks by using foam sprayed from fire trucks.

The control zones have since been released.

He said poultry barns next to cornfields appear more susceptible according to Minnesota researchers.

Migratory wild birds feed in the fields in the fall, contaminating them with the virus, he said, then farmers prepare the fields for spring planting, stirring the virus into the air.

The virus seems able to survive for 1,000 meters carried on the wind into barns.

An infected poultry barn then becomes "a constant virus factory" with the air-circulation system fanning the virus back into the outside environment, according to Oedekoven.

The virus constantly changes and mutates in the wild bird flocks, and those birds mix on their summer ranges in northern Canada, he said.

The infections seem to stall in South Dakota's sum-

mer temperatures. "We were looking for this type of heat to slow the virus," Oedekoven said.

The latest variation of the virus doesn't seem to have infected pheasants and grouse to this point and doesn't seem to have affected the health of human beings. There isn't a commercial vaccine available.

Federal monitoring of wild birds for the disease stopped in 2012. "That's one thing that got cut," Oedekoven said.

There are many steps that producers can take to potentially reduce risk but there's no sure prevention as wild birds return.

"What recommendation do we have for that?" Oedekoven said. "It's not going to be so simple."

Court: Ex-Nebraska Prisoner Sexually Abused By Guard Can Sue

BY GRANT SCHULTE

Associated Press

LINCOLN, Neb. — A former male prisoner who was sexually assaulted by a guard can sue Nebraska's corrections department for what he says was retaliation after he reported the incident, a state appeals court ruled Tuesday.

The 33-year-old inmate sued guard Anthony Hansen, the Department of Correctional Services and other prison officials for \$150,000. The Associated Press generally does not identify victims of sexual assault.

A three-judge panel of the Nebraska Court of Appeals overturned part of an earlier ruling by Douglas County District Judge Michael Coffey, who had dismissed the entire case after state officials argued that they were immune from lawsuits. The appeals court agreed that the inmate couldn't sue the corrections department for the sexual assault, but ruled he could pursue a case alleging that

corrections department employees retaliated against him.

Julie Jorgensen, the inmate's attorney, said she had not yet read the ruling and wouldn't comment without first speaking to her client. Nebraska Department of Correctional Services spokesman James Foster said the department wouldn't comment because the case was still in the courts.

Hansen pleaded guilty to sexual abuse of an inmate in May 2012 and was given two years of probation and forced to register as a sex offender for 25 years.

According to the ruling, Hansen approached the inmate in December 2011 at the Omaha Correctional Center, a minimum- and maximum-security facility, "with the proposition to meet in the chapel to engage in sexual activity." Hansen later proposed meeting in a common area, because the chapel had security cameras.

The inmate, who was serving time for theft, tried to

deflect Hansen's advances, according to the lawsuit. Hansen then spoke to the inmate about his parole date, which the inmate interpreted as a threat. Hansen had previously said that if the inmate didn't comply with his sexual requests, he or his friends could lose "good time" credit on their sentences or be placed in segregation, the ruling said.

According to the ruling, the inmate reluctantly agreed to meet with Hansen in the common area, where Hansen shoved him into a wall, forcibly kissed him and pushed him to his knees before sexually assaulting him. The inmate preserved some of Hansen's bodily fluids and reported the assault to prison officials.

The inmate alleged in his lawsuit that he was placed in disciplinary segregation for 30 days while prison officials conducted an investigation, giving him limited telephone privileges and no contact with other inmates. Prison guards were instructed not to talk to him, and the inmate was told

not to speak to anyone about the sexual assault, according to the ruling.

The inmate said he requested a transfer to another medium-security facility, but was told there was no room anywhere else. He said he was frequently visited by a prison investigator, identified in the ruling as John Doe, who advised him that he would get more jail time for lying and that he was "ruining" Hansen's life. DNA testing eventually confirmed that the bodily fluids were Hansen's.

After the investigation, the inmate alleges that he was transferred to a maximum security prison.

According to the lawsuit, the inmate repeatedly asked for counseling services and was eventually given two therapy sessions while incarcerated. The inmate said he continues to suffer from intimacy problems, depression, anxiety and severe emotional distress, but can't afford to see a therapist more than twice a month.

Highway Patrol Releases Numbers From June Sobriety Checkpoints

PIERRE — South Dakota Highway Patrol troopers arrested 55 people for DUI during 94 checkpoints and saturation patrols held statewide during June.

The Patrol does sobriety checkpoints in a select number of counties each month. The saturation patrols are designed to place more troopers in a particular area at one time.

June was the first time the Highway Patrol has conducted checkpoints and saturations patrols in every county possible. Col. Craig Price, superintendent of the Highway Patrol, says the effort went well.

"This was another way for us to keep promoting safe driving," Price says. "We want to thank the other law enforcement agencies who helped with checkpoints and patrols.

Most importantly, we want to thank the hundreds of motorists who did the right thing by not drinking and driving."

Price says with the summer travel season now under way, this was a good time for

such an effort.

Checkpoints will be held during July in Beadle, Brookings, Butte, Clay, Codington, Day, Davison, Gregory, Hughes, Kingsbury, Lawrence, Lincoln, Meade, Minnehaha,

Pennington, Roberts and Walworth counties.

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7:40 am Riverboat Days
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8:20 am Hy-Vee Foods
(Chef Staci)

Thursday, July 16
7:40 am Yankton Chamber
(Carmen Schramm)
8:20 am Yankton Conv/Vis
(Stephanie Moser)