

STATE DIGEST

Nebraska Tax Revenue Rebounds In May

LINCOLN, Neb. (AP) — State tax revenues rebounded in May after a dismal April, a sign that Nebraska's economy may be recovering and that lawmakers may not have to meet in an emergency session to again cut the budget.

The report released Thursday by the state Department of Revenue said net tax revenue beat projections by more than 5 percent in May. In April, net tax revenue was nearly 15 percent below official projections that set the baseline for the budget, leading to speculation that lawmakers may have to gather before the start of their regular session, which begins in January, to trim the budget.

Gov. Dave Heineman said he didn't anticipate calling a special session, but if revenues dropped in coming months he would consider it.

"I'm pleased May receipts are up, but one month is not a trend," he said.

Total revenues so far this fiscal year, which ends June 30, are still \$41 million, or 1.4 percent, below official projections.

In November, Heineman called lawmakers into a special session to close a \$334 million budget gap, and they did so primarily using across-the-board cuts to state agencies.

During the regular legislative session that ended in April, lawmakers and Heineman reduced the current two-year budget by another \$48 million, cutting agencies more.

More cutting is expected when lawmakers meet in January. Current estimates peg the budget deficit for the two-year budget that will begin in July 2011 at roughly \$670 million.

USDA: Crop Insurance Plan Will Save \$6B

MINNEAPOLIS (AP) — The U.S. Department of Agriculture has released the final draft of a new crop insurance plan it says will save the federal government an estimated \$6 billion over 10 years.

Agriculture Secretary Tom Vilsack told reporters during a conference call from Washington on Thursday that \$4 billion of the savings will go toward deficit reduction. He says \$2 billion will be used to expand farm risk management programs and the Conservation Reserve Program, which pays landowners to take environmentally sensitive land out of production.

The USDA had argued that crop insurance companies were making excessive profits. The industry's return in 2009 was 26.4 percent.

Vilsack says the new plan projects the long-term return for the companies at about 14.5 percent.

Leadership Changes At S.D. Highway Patrol

PIERRE (AP) — The South Dakota Highway Patrol has a new leader.

Col. Dan Mosteller retired as superintendent on Tuesday, and Maj. Randy Hartley became acting superintendent the following day.

The change was first announced last April.

Hartley says he'll remain the acting superintendent through the end of the Gov. Mike Rounds administration. The new governor next year will appoint someone to the post permanently.

Hartley says in the meantime he doesn't plan to make any major changes in the department's structure and that priorities such as traffic safety also will not change.

S.D. Man Faces Embezzlement Charge

BATH (AP) — A Bath man is accused of embezzling about \$6,200 from the volunteer fire department in the northeastern South Dakota town.

Forty-four-year-old William Fluke made a brief court appearance on Wednesday but did not enter a plea. A telephone call made by The Associated Press on Thursday seeking comment was not answered.

Bath faces a felony grand theft charge that carries a maximum punishment of 10 years in prison and a \$20,000 fine upon conviction.

Brown County prosecutor Lori Ehlers says Fluke was fire department treasurer when he allegedly took the money between October 2005 and November 2008.

Pot Suspect Dies At Nebraska Hospital

SEWARD, Neb. (AP) — Authorities say a 40-year-old Iowa man died at a southeast Nebraska hospital after he was taken to jail.

The Nebraska State Patrol says a trooper stopped a car near the Utica interchange a little after 9 p.m. Wednesday and that 10 pounds of marijuana was found when the car was searched.

The driver and her passenger, Carl Beach of Fort Madison, Iowa, were taken to the Seward County Jail.

A patrol news release says that when the pair reached the jail, Beach said he was sick. The release says Beach was taken to Seward County Hospital, where he died at 1:43 a.m. Thursday.

An autopsy has been ordered. In accordance with state law regarding the deaths of people in custody, a grand jury will investigate.

Trial In Killing Of S.D. Deputy Moved To Sioux Falls

BY WAYNE ORTMAN
Associated Press Writer

SIoux FALLS — A judge ordered the murder trial of a 21-year-old man accused of killing a sheriff's deputy moved from Turner County to Sioux Falls, where he said there would be a larger jury pool to choose from and where there are fewer people with ties to the defendant and victim.

Ethan Johns is charged with alternate counts of first-degree murder and second-degree murder in the March 2009 shooting death of Turner County Sheriff's Deputy Chad Mechels, 32, who was sent

to check on Johns' well-being at a farm west of Marion.

Circuit Judge Steven Jensen said Monday that case law suggests that the potential for bias and prejudice is significantly greater in a small community in such serious cases. Potential jurors in Minnehaha County — home to the state's largest city — are unlikely to have any personal knowledge of the parties, the witnesses or facts of the case other than what has been reported by media, he said.

"It is impossible to know with absolute certainty if there is actual prejudice in the minds of the prospective

jurors in Turner County sufficient to prevent impaneling an impartial jury until jury selection actually starts," Jensen told attorneys in a court filing.

"However, the extraordinary nature of this alleged crime and the extensive ties that exist in Turner County create a 'reasonable apprehension' in this court's mind that Johns is unable to receive a fair and impartial trial in Turner County."

Johns' attorneys had asked for the change of venue, saying it would be hard to seat an impartial jury in Turner County because Johns and Mechels have family and social ties to the community and many potential jurors had formed

opinions about the case.

The state attorney general's office, which intends to seek the death penalty if Johns is convicted of first-degree murder, resisted moving the trial and declined to comment Thursday on the judge's decision.

Johns' attorneys say he shot Mechels in self defense.

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