

Lincoln Airport Works On Flood Plan

LINCOLN, Neb. (AP) — Airport officials in Lincoln are working on a contingency plan just in case the airport in Omaha is flooded by the Missouri River.

Lincoln Airport Executive Director John Wood told the *Lincoln Journal Star* on Thursday that the airport is working on a worst-case scenario in case Eppley Airfield in Omaha has to close. Wood says if that happens, flights will likely be diverted to Lincoln and Des Moines, Iowa.

Omaha Airport Authority Director Steve Coufal says the airport is not considering closing.

Eppley is surrounded on three sides by the Missouri River and is protected by levees tall enough to withstand a flood stage of up to 42 feet. The river is expected to crest in Omaha at 36 feet and stay above flood stage for months.

Delegation From Suriname Visiting S.D.

SIOUX FALLS (AP) — A delegation of leaders from the South American nation of Suriname will visit with Air National Guard leaders in Sioux Falls on Thursday afternoon.

The group will then travel to Pierre and Rapid City on Friday. The South Dakota National Guard formally established a state partnership program with Suriname in August 2006. The goal is to build economic, educational, civic and community partnerships mutually beneficial to both countries.

The delegation will meet with leaders of the 114th Fighter Wing at Joe Foss Field on Thursday, and then visit with Gov. Dennis Daugaard at the Capital on Friday morning.

In Rapid City, the group will attend a Friday evening social event hosted by the South Dakota National Guard and the Rapid City Chamber of Commerce.

Daugaard Appoints 2 To Lottery Commission

PIERRE (AP) — The South Dakota Lottery Commission has two new members.

Gov. Dennis Daugaard named Bob Hartford of Pierre and Jim Peterson of Reville to the commission on Thursday.

Hartford is the retired executive director of the South Dakota Music and Vending Association. He also worked for the Governor's Office of Economic Development and the Operations Office of the Governor.

Peterson is a retired farmer and businessman who served in the South Dakota House from 2001-2004 and the Senate from 2005-2010. Daugaard says both bring a wealth of experience to the commission.

Tom Leckey and Susan Shay Brugger, commission members since 2003, were term-limited and could not be reappointed.

Soldier Escapes Serious Injury In Helmet Shot

DES MOINES, Iowa (AP) — The military says an Iowa Army National Guard soldier escaped serious injury when a bullet passed through his helmet during a recent firefight in Afghanistan.

According to *The Des Moines Register* on Thursday, an Army press release says 20-year-old Spc. Tom Albers, of Alton, was on foot patrol in Parwan Province in late May when shots started coming out of a nearby building.

In the press release, Albers says he felt like he was hit in the head with a "wooden baseball bat."

When the firefight subsided, a medic looked at Albers' helmet and realized a bullet had passed through it. Albers was taken to a hospital, where it was determined he suffered little more than a burn mark on the top of his head.

Lottery Ticket Worth \$5,000 Sold In Sioux Falls

SIOUX FALLS (AP) — South Dakota Lottery officials say a winning ticket worth \$5,000 in Wednesday's Wild Card 2 drawing was sold in Sioux Falls.

Officials say the odds of winning the game's second prize are about one in 90,600. The winner has about six months to claim the money.

Wild Card 2 is played in South Dakota, North Dakota, Montana and Idaho. The jackpot for Saturday's drawing sits at \$110,000.

Swift Beef To Pay \$1.3M In Neb. Pollution Case

GRAND ISLAND, Neb. (AP) — Swift Beef Co. has agreed to pay \$1.3 million to settle allegations that it violated the federal Clean Water Act and Nebraska law at the company's Grand Island beef plant.

A news release from the U.S. Department of Justice says violations occurred several times since 2006. Authorities say the plant discharged pollutants beyond permitted levels to the Grand Island wastewater treatment plant and directly into the Wood River.

The Justice Department says Swift already has spent more than \$1 million at the plant to cut the release of pollutants.

Swift Beef is based in Greeley, Colo., and is a subsidiary of JBS SA, a Brazilian company.

OBITUARIES

William Simons

UTICA — William (Bill) A. Simons, age 64 of Utica passed away Tuesday, June 14, 2011 at Avera Sacred Heart Hospital, Yankton.

Funeral services will be at 2 p.m. Saturday, June 18, 2011 at the Opsahl-Kostel Funeral Chapel, Yankton with Rev. Paul Opsahl officiating.

Visitations will begin at 12:00 p.m. and continue until the time of the service at the funeral home on Saturday.

Pallbearers include: Darryl Bartunek, Bill Wilson, Dan Newby and Bobby Rokusek.

William was born to Alvie and Hazel (Frye) Simons on September 29, 1946 in Sioux City, IA and was raised in North Sioux City, SD. He worked at the dog track at Sodrac Park Greyhound Racing and Needham Sioux City Dressed Beef. He worked for 38 years as a USDA government meat inspector lastly at Cimpl Meats in Yankton, SD.

He is survived by his wife, Sharon (Shany) Hart, Utica, SD; his children: Toni and Darryl Bartunek, Armour, SD, Janelle and Forest Woods, Hope Mills, NC, Anita and Bill Wilson,



Simons

Kingsley, IA, Lillie and David Moore, Phoenix, AZ, and Jessica Simons, Springfield, SD; 2 stepsons, Bruce Hart, Elk Point, SD, and Bryan Hart of Sioux Falls, SD. His surviving brothers and sisters include: Fred and Alice Simons, North Sioux City, SD, Barb Young, McCook Lake, SD, Mikael and Mary Simons, Alpine, CA, Danny and Luz Simons, Rock Rapids, IA, and Pat and Ernie Jones, FL. His surviving sister-in-law is Donna Simons, Adrian, MN and many nieces and nephews.

Bill was preceded in death by his parents, 2 brothers, Jerry and David Simons, 1 sister, Anita Strickland and 2 sons in infancy, Billy and Dallas.

Yankton Press & Dakotan
June 17, 2011

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Senate Votes To Repeal Ethanol Tax Credits

BY STEPHEN OHLEMACHER
Associated Press

WASHINGTON — The Senate voted Thursday to repeal tax credits for producing ethanol, a vote that budget cutters hope will demonstrate a growing appetite in Congress to end special interest tax breaks to help reduce government borrowing.

The Senate voted 73-27 to repeal the \$5 billion annual subsidy, just two days after rejecting an identical measure. The tax credit provides 45 cents a gallon to oil refiners who mix gasoline with ethanol, a renewable, liquid fuel additive that comes mainly from corn in the U.S.

The measure will now be added to a bill renewing a federal economic development program. The prospects for the overall bill are uncertain, but Thursday's vote clearly endangers the ethanol tax credit, which would expire at the end of the year anyway, unless Congress renews it.

The measure passed Thursday would end

the tax credit immediately. It would also repeal a 54-cent-a-gallon tariff on imported ethanol, which restricts imports, mainly from Brazil.

"The best way for ethanol to survive is to stand on its own two feet, without spending something we don't have to get something we're going to have anyway," said Sen. Tom Coburn, R-Okla.

In a sign that some ethanol subsidies are likely to endure, the Senate also voted 59-41 to reject a measure that would have eliminated a government program that supports the distribution of ethanol. The House had passed a similar measure earlier in the day, by a vote of 283-128, adding it to an agriculture spending bill.

The debate played out as the White House and congressional leaders continued to negotiate spending cuts to help reign in government red ink. Thursday's vote will almost certainly make repealing the ethanol tax credit part of those discussions.

The federal government, which borrows

about 40 cents of every dollar it spends, has already hit the legal borrowing limit of \$14.3 trillion. Treasury Secretary Timothy Geithner has warned Congress that the U.S. risks an unprecedented default on Treasury bonds if the borrowing limit isn't increased by Aug. 2. However, a growing number of lawmakers say they won't vote to increase the borrowing limit without substantial deficit reduction.

Many Republicans have ruled out tax increases, though some have said they would support ending narrowly-tailored tax breaks like the ethanol tax credit. The ethanol tax credit is part of a package of dozens of business and individual tax breaks that Congress usually renews each year. Thursday's vote could spell trouble for some of the others.

Thirty-three Republicans joined 38 Democrats in voting to eliminate the ethanol tax credit. Two independents who usually vote with the Democrats also supported the measure.

The Obama administration opposed both ethanol measures.

WHEN THE LEVEE BREAKS



PHOTO: LT. GOV. MATT MICHELS

This photo shows a partial collapse of a portion of the south levee at Dakota Dunes. Officials say this section of levee has been repaired and steps are being taken to prevent further erosion in this area.

DAUGAARD:

Partial Levee Collapse Reminder Of Danger

DAKOTA DUNES (AP) — A partial collapse of a portion of the levee protecting Dakota Dunes from the swollen Missouri River illustrates that the potential for levee failure remains a real danger, South Dakota Gov. Dennis Daugaard warned Thursday.

The state Department of Public Safety said scouring from the fast-moving river caused erosion on a section of the levee in the Bay Hills area, but it wasn't breached.

Crews added materials to the face of the structure to reinforce the section, including truckloads of rip-rap, or pieces of variously sized rock used to protect a shoreline.

Daugaard warned the potential for levee failure is a real danger to anyone adjacent to the Dakota Dunes levee.

"This is why we have stressed that those con-

cerned with their property must also be highly attentive to personal safety," the governor said in a statement. "Property owners proceed at their own risk when entering the evacuated area, and must recognize that a major failure of the levee remains possible."

Officials said the levee monitoring system worked as designed, and the problem was quickly detected and addressed.

The U.S. Army Corps of Engineers is pushing record amounts of water through Missouri River dams to get rid of unexpectedly heavy rains that fell upstream in eastern Montana and Wyoming and western North Dakota and South Dakota.

Levees have been built in Pierre, Fort Pierre and Dakota Dunes to hold back the water.

Moeller Case Goes Before 8th Circuit

BY AMY FORLITI
Associated Press

ST. PAUL, Minn. — Jurors who sent a South Dakota man to death row for the 1990 rape and murder of a 9-year-old girl should have been told he would have been ineligible for parole had he been sentenced to life in prison, a defense attorney argued Thursday before a federal appeals court in Minnesota.

Attorney Julie Pitt told a three-judge panel of the 8th U.S. Circuit Court of Appeals in St. Paul that Donald Moeller's rights were violated during his 1997 trial in South Dakota state court because he was sentenced to death by a jury that falsely thought he may otherwise have been released on parole. Pitt asked the court to reverse Moeller's conviction and sentence.

Moeller was convicted of abducting Becky O'Connell from a Sioux Falls convenience store, driving her to a secluded area, then raping and killing her. Her body was found the next day. Her throat had been slashed and she had been stabbed several times.

Moeller, 58, was first convicted in 1992 and sentenced to death for the slaying. The South Dakota Supreme Court overturned that

conviction, ruling improper evidence was used at trial. He was convicted again in 1997 and again sentenced to death. The state Supreme Court upheld that sentence.

The case ended up in federal court when Moeller's attorneys filed a habeas corpus claim, alleging he was being held illegally because his constitutional rights were violated at his trial. A federal judge denied that claim, and Moeller appealed to the 8th Circuit.

Moeller's attorneys make several arguments in their federal appeal, including that his right to due process was violated because he had ineffective counsel, his attorney did not adequately defend him on the admissibility of DNA evidence, and the defense did not conduct its own testing on soil evidence that prosecutors claimed placed Moeller at the scene. The state argues none of those issues are a reason to grant Moeller's request for relief.

The bulk of Thursday's oral arguments focused on a question posed by jurors who decided Moeller's sentence. Pitt said jurors indicated they were confused when they asked Circuit Court Judge Arthur Rusch: "If the penalty

of 'life imprisonment without parole' should be imposed upon the defendant, will he EVER have a chance to appear before a parole board?" The capitalized "EVER" was underlined three times.

"All of the information which I can give you is set forth in the jury instructions," was Rusch's response.

Pitt said the law requires the judge to give a straight answer, and he didn't. She said the jury sentenced Moeller to death because they were under the false impression that he may be released from prison on parole if given a life sentence.

Jurors were "making a decision on whether he should live or die based on something totally speculative," Pitt said. "I think the jury in this case was looking for assurance that Mr. Moeller would never be released."

Conviction Upheld In Alleged Aided Suicide

CHET BROKAW
Associated Press

PIERRE — The South Dakota Supreme Court upheld the murder conviction on Thursday of a Rapid City man who had argued that he did not commit murder in shooting a friend who was in chronic pain and wanted to die.

Robert Goulding, 53, was convicted of first-degree murder and sentenced to life in prison without parole for the November 2008 shooting death of his friend, Allen Kissner, near Sheridan Lake in the Black Hills. Kissner, 56, wanted to die because he was in chronic, terminal pain, was addicted to drugs and likely was returning to prison, Goulding said.

Goulding said the two men drove to a remote location, and he shot Kissner in the head at Kissner's request.

Goulding argued that he should be convicted only of assisted suicide, which carries a maximum penalty of two years in prison.

However, the Supreme Court said South Dakota's law on assisted suicide does not apply when someone other than the person who dies commits the overt act that causes the death.

Goulding's lawyer, Tim Rensch of Rapid City, said he was saddened by the high court's decision because Goulding is not the kind of person who needs to be locked away from society.

"He has a lot to offer society and clearly was helping his friend, who was every bit as involved in it as he was," Rensch said.

South Dakota Attorney General Marty Jackley said the decision applies a plain reading of the law and follows court decisions in similar cases in other states.

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