

Lawsuit By Woman Who Lost Home Dismissed

SIOUX FALLS, S.D. (AP) — A federal judge on Thursday dismissed a lawsuit filed on behalf of a Wessington Springs woman who lost her home to fire when her neighbor's home exploded. Marguerite Cashman's home burned October 12, 2007, when flames spread from a propane explosion at the home of neighbor Darrick Van Dyke. She already had lost a negligence lawsuit she filed against Van Dyke in state court, and her estate sued propane supplier CHS Inc. in U.S. District Court in January. District Judge Roberto Lange on Thursday said Cashman's potential damage claims against CHS became known or should have become known to her at the time of the fire, so the three-year statute of limitations had expired. "At the very latest, the damage was known in 2009 when Marguerite Cashman brought suit against Van Dyke," the judge wrote in his decision. Cashman's state court lawsuit claimed Van Dyke was negligent in lighting a pilot light on his furnace. The circuit judge in that case ruled that Cashman did not prove her neighbor acted negligently, and the South Dakota Supreme Court rejected Cashman's appeal. In the federal case, Cashman's attorneys argued that she did not learn of CHS's actions until Sept. 30, 2012, when she received documents in her state court case against Van Dyke. But Lange said what triggers the statute of limitations clock is when the "injured party knows or should know that the damage has occurred, not full knowledge of exactly how and why an event occurred." Cashman also argued that the propane company fraudulently concealed information, but Lange said that claim was not supported. The judge said Cashman's attorneys made a strategic decision to leave CHS out of the state court case. Van Dyke suffered burns over a large part of his body, and a lawsuit he filed by Van Dyke against propane supplier CHS Inc. ended with a confidential settlement.

Buffett Gets Philanthropy Award

NEW YORK (AP) — Billionaire Warren Buffett's giving is being recognized by a group of his fellow philanthropists. Buffett received a lifetime achievement award in philanthropy Wednesday at a private discussion of philanthropy Forbes magazine sponsored. Not only has Buffett pledged to give away nearly all of his fortune, but Berkshire Hathaway's chairman and CEO has also encouraged others with more than \$1 billion to give away at least half their fortunes. Video from the Forbes event shows U2's Bono singing a version of "Home Sweet Home" that he rewrote in tribute to Buffett. In the song, Bono sings about how Buffett wants "No honors, no plaques, just a higher estate tax. Till his wealth is but a rich memory." Bono says Buffett's advice and encouragement helped him in his own philanthropy.



Buffett

North Platte Commits \$4M For Veterans Home

GRAND ISLAND, Neb. (AP) — The North Platte City Council has approved committing around \$4 million to help the city land the new state veterans home, more than matching the \$3 million that Grand Island has promised to spend. The North Platte council unanimously voted on Tuesday night to grant the funding request from the North Platte Chamber and Development Corp. At stake is the \$120 million, 225-bed replacement facility for the aging Grand Island Veterans Home. The Grand Island Veterans Home has been operating in the south-central Nebraska city since the Soldiers and Sailors Home opened in 1888 on 640 acres that the city donated to the state. The North Platte council set aside \$3.55 million from the city's Quality Growth Fund and earmarked \$450,000 from the Northwestern Energy Economic Development Fund. The state has said there are nearly \$1.3 million in amenities that cannot be provided with state and federal funds, including \$900,000 for a chapel. Officials say that's where Grand Island's \$3 million and North Platte's \$4 million-plus could be used. Also on Tuesday, the Hall County Board of Supervisors voted to commit \$300,000 to support Grand Island's efforts to keep the home in town. "It should be here and shall remain here," said Pam Lancaster, Hall County board chairwoman. The state will be considering proposals from four cities that wish to host the replacement home, which will be called the Central Nebraska Veterans Home. Hastings and Kearney are in the running with Grand Island and North Platte. The four must submit their bids by June 11.

Application For Transmission Line Filed

BROOKINGS (AP) — Otter Tail Power Company and Xcel Energy have filed a permit application with the South Dakota Public Utilities Commission for a high-voltage transmission line from Big Stone City to near Brookings. The 70-mile 345-kilovolt line would run between a new substation about three miles west of Big Stone City and the existing Brookings County substation 12 miles east of Brookings. The permit covers the southern 40-mile portion of the project from just north of Gary to Brookings County. The goal is to have the line operational by 2017. The Minnesota-based companies are part of CapX2020, a joint initiative of 11 transmission-owning utilities. The South Dakota Public Utilities Commission is planning to hold a public meeting to gather comments from residents July 31 at 6:30 p.m. at McCrory Gardens in Brookings.

Kidnap Suspect Said He Didn't Pose Danger

DAYTON, Iowa (AP) — A man suspected of kidnapping two central Iowa girls last month before committing suicide told the state Parole Board in his three unsuccessful bids for early release that his treatment in prison had made him worthy of parole. Michael Klunder argued in his failed appeals to the board in 2005, 2007 and 2008 that he no longer was dangerous and that parole would help him readjust to post-prison life better than if he were to be released without supervision after serving out his sentence, *The Des Moines Register* reported. Klunder said in handwritten and typed appeals that his Christian faith and his treatment in prison made him "face the truth" about his past. Klunder was sentenced in 1992 to 41 years in prison for kidnapping a woman and two toddlers over a two-day period. Klunder expressed confidence in his rehabilitation and in at least one appeal, he cited his work at a Newton golf course and his voluntary participation in a sex offender treatment program. "There is no doubt my crimes were very serious and I deserved to come to prison. But to say there is no evidence that I have shown or proven myself to be released and become an active responsible citizen is completely untrue," he wrote. Klunder also said he was confused by the board's decision to not personally interview him. "I'd like them to see me as a man instead of as a file. To focus on who I am today instead of just what I did back then," he wrote. In his 2008 appeal, he again noted his work at the golf course, and the fact that he was in minimum custody working among the public. "What more proof does the board need?" he asked. Klunder was never granted full parole, but he was eventually released in 2011 under provisions of the state's time-served law. Police suspect Klunder abducted 15-year-old Kathlynn Shepard and a 12-year-old friend on May 20 in Dayton. The younger girl was able to escape, and Klunder later hanged himself. Kathlynn remains missing. Some of her blood has been found, dampening hopes of finding the girl alive. Authorities suspended their search of Kathlynn last week. But Gerard Meyers, assistant director of the Division of Criminal Investigation, said searches along the Des Moines River would likely resume Thursday or Friday. He said the boat searches by the Department of Natural Resources had been suspended because of the high water on the river, but the conditions have now improved.

South Dakota

Panel Cuts Deer Hunting Licenses Due To Disease

BY CHET BROKAW
Associated Press

PIERRE — The South Dakota Game, Fish and Parks Commission set hunting rules Thursday that will reduce the number of deer that can be shot this fall to help the population recover from losses caused by a disease. Chad Switzer, a program manager for the state Game, Fish and Parks Department, said the changes were prompted by epizootic hemorrhagic disease, a virus spread by a biting midge. Officials have said at least 3,400 deer died of EHD last year, and many more likely were killed by the disease because they were never found. The commission approved an East River

rifle season that will allow a total of 50,635 deer to be shot east of the Missouri River. That's a reduction of 7,950 tags from last year. The season runs Nov. 23-Dec. 8, and will reopen Dec. 28-Jan. 5 for hunters with unfilled tags for antlerless deer. The West River season will allow resident hunters to shoot slightly more than 45,000 deer on western prairies, down more than 1,000 from last year. A small number of licenses also are issued for nonresidents. The rifle season in western South Dakota will run Nov. 16-Dec. 1 in most areas. Unfilled antlerless tags will be good Dec. 28-Jan. 5. The number of licenses available in the Black Hills will be reduced only slightly from

last year, with a few more than 3,500 being issued. No one testified in person on the deer seasons at Thursday's meeting, but the commission received letters from several hunters urging that licenses be kept low so the population can recover. The archery deer season will run Sept. 28-Jan. 15 statewide, with no limit on numbers sold. Officials have said EHD hit particularly hard in parts of southeastern South Dakota. The losses were high enough to cause several thousand tags to be returned by hunters or withdrawn by wildlife officials before the hunting seasons started.

DOI Official: Government Must Work Together On ICWA

BY KRISTI EATON
Associated Press

SIOUX FALLS — The future of the Indian Child Welfare Act depends on the federal government's ability to work with state governments and ensuring that tribal courts have enough resources, the chief general counsel for the Department of Interior said Thursday. Department of Interior Solicitor Hilary Tompkins spoke at a panel discussion in Washington D.C. examining the federal law created to ensure that Native American children removed from homes be placed with relatives or put in foster care with other Native American families, except in unusual circumstances. The discussion, moderated by former U.S. Sen. Byron Dorgan of North Dakota, was streamed online. Tompkins said state court judges need outreach and training on the law. "Here it's unique. It's a federal law that applies to their proceedings," she said. She also said there needs to be a guarantee that when a child gets into the foster care and adoption system, a proper assessment is done to determine whether the child is Native American. Congress passed the Indian Child Welfare Act in 1978 because of the once high number of Indian children being removed from their homes by public and private agencies. Tompkins, who was born on the Navajo Nation and is an enrolled tribal member, said she was born before ICWA was passed into law. "During that time in the late 60s, there was a practice and policy of having In-

dian children placed off-reservation in non-Indian homes," she said. "I was basically sent off reservation as a baby." Her non-Indian parents instilled an appreciation for her Native heritage and tried hard to teach her about her background, Tompkins said, but she felt disconnected living in New Jersey among predominantly white people. She was 15 before she met another Native American person, she said. "You feel very, very alone," she added. After college she went back to the Navajo Nation and felt unwelcome, further adding to the feeling of alienation. That sentiment was echoed by Seanna Pieper-Jordan, a Native Hawaiian and Blackfeet Nation tribal member who grew up in the foster care system. When she returned to the reservation as an adult, the question of being "Indian enough" often came up since she didn't grow up there and didn't know the traditions and stories. "When you're disconnected from it, how do you go back and learn it?" she said, adding that the trauma of feeling alone will affect her the rest of her life. ICWA has been a hot-button issue across the country. The U.S. Supreme Court is set to decide soon whether the law allows an unwed Native American father to take custody of his daughter, who was adopted by a non-Indian couple. In South Dakota, two tribal governments have filed a federal lawsuit against the state, accusing the South Dakota Department of Social Services, a judge and a local state's attorney of violating the law by holding improper hearings after children are removed from homes.

Daugaard Ends Ban On S.D. Purchase Of Wildlife Land

PIERRE (AP) — South Dakota Gov. Dennis Daugaard said Thursday he has ended a two-year moratorium that prevented the state Game, Fish and Parks Department from buying land for public hunting or other outdoor uses. Daugaard imposed the ban when he took office in January 2011, but he said the department once again will be able to acquire land after he and department officials added new procedures for providing county commissioners and others advance notice and a chance to consult on such acquisitions. "I believe the state should be prudent about land acquisition," Daugaard said in a written statement. "I want to consider local preferences and priorities as we make sure that all South Dakotans have great hunting and outdoor opportunities now and in the future." Department Secretary Jeff Vonk explained the end of the moratorium to the state Game, Fish and Parks Commission, which has the final say about land purchases. "For me, this is a great day," Vonk said. A big part of the department's job is to provide managed wildlife habitat and hunting opportunities to the public, Vonk said. The revised policy will give county commissions advance notice when the state plans to acquire parcels of 80 acres or more in their counties. County commissioners will have the opportunity to comment on the proposed land deals and to meet with Game, Fish and Parks staff. The public will have an additional 30 days to comment before the Game, Fish and Parks Commission decides whether to buy land, the governor said. Vonk said department officials have always notified the commission and the public about proposed land deals. The process will now be revised to provide county commissions and others additional opportunity to comment before a land purchase is approved, he said.

Weber Retiring As Chief Warden

BY KRISTI EATON
Associated Press

SIOUX FALLS — After the April 2011 murder of a guard at the state penitentiary in Sioux Falls, Chief Warden Doug Weber said he had no idea what to expect from his staff in the following days. Weber, who is retiring this month after more than 30 years working in corrections in South Dakota, said the murder of prison guard Ronald Johnson two years ago was one of the most challenging times in his career. Two inmates killed Johnson on his 63th birthday during a botched prison escape. "It was very traumatic on me and the staff and, interesting enough, the inmate population as a whole," he said. "I didn't know if the next day I came to work if 25 percent or half of my staff would just say, 'I can't do this anymore, it's too dangerous.' Or if their spouses would say, 'You're not going back to work there because it's too dangerous.'" In actuality, Weber said, nobody left following the murder. The prison made more than a dozen procedural changes after Johnson's death to improve security and safety. Overseeing three executions and a 1993 prison riot also were challenging, Weber said. Executions are "something very few people in the country are asked to do or participate in and we did it without incident and carried out our duties, I think, exceptionally well," he said. Weber, 58, said he is leaving his position content with having made positive changes in the state's prisons and will miss the work. "I love the job. I love the people who work here, and I thoroughly enjoy working with the inmate population," he said. Weber said a new justice initiative that will divert low-level offenders has been overdue for South Dakota. "I think if we can divert low-level drug offenders and chronic alcoholics and non-violent offenders from prison, I think that's just a fantastic thing because once you're in prison — once you've been labeled as an inmate — it's really hard to get your life back on track," he said.

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