

**MIDWEST DIGEST**

**Rounds Vetoes Bill On Deaf Education**

PIERRE (AP) — Gov. Mike Rounds has vetoed a bill that would have required the South Dakota Education Department to set up programs to promote the education of children who are deaf or have impaired hearing.

Rounds says the some of the bill's requirements are already included in federal law. He says other provisions would be difficult for school districts to accomplish.

The governor says the South Dakota Constitution gives the Board of Regents responsibility for many aspects of educating children with impaired hearing. He says the bill would have imposed requirements on the Education Department, which does not have the necessary money or staff.

Rounds says state officials are already working to accomplish the goals set out in the bill.

**Rounds OKs Changes Wind Tower Easements**

PIERRE (AP) — Gov. Mike Rounds has signed into law a bill aimed at giving South Dakota landowners more protection when they grant easements allowing construction of wind towers on their property.

The measure bars wind-energy developers from requiring landowners to keep the terms of easement contracts confidential. Easements or leases also cannot be finalized for 10 days after an offer, giving landowners time to study the deal.

The new law also will give developers up to 12 years to begin construction of large-capacity wind farms that involve electrical transmission lines. That's an exception to the law requiring smaller projects to start within five years of an easement.

**Big Stone Lake Flooding Causes Damage**

BIG STONE LAKE (AP) — Big Stone Lake in northeast South Dakota is dropping, after more than a week of threatening homes, businesses and farms.

But many lakeside homes remain surrounded by high water, and parks near the lake and the Whetstone River are littered with remnants of the flooding.

Diane Radermacher with the Upper Minnesota River Watershed Project says the area has been lucky, though some homes around Big Stone City and neighboring Ortonville, Minn., are going to have a lot of damage.

**Neb. Population Continues Shift To Big Cities**

OMAHA, Neb. (AP) — Nebraska's population continues to concentrate in the state's largest cities.

Census figures released this week show that Douglas, Sarpy and Lancaster counties gained nearly 13,800 residents between July 2008 and July 2009.

While those counties, which are home to Omaha and Lincoln, continued to grow, an analysis from the University of Nebraska at Omaha's Center for Public Affairs Research shows the rest of the state gained only about 900 residents.

Nebraska's three most populous counties now hold nearly 53 percent of the state's population.

UNO research associate David Drozd says his analysis shows only 16 Nebraska counties are estimated to have gained population since 2000. He says over half have lost 10 percent or more of their population in the past 10 years.

**Neb. Moves To Create Funds For Whiteclay**

LINCOLN, Neb. (AP) — Nebraska lawmakers have decided to fill what was an empty fund meant to help ease alcohol-related problems in and near Whiteclay.

On Wednesday, they gave second-round approval to an amendment and bill (LB1002) that would pump \$100,000 into the fund. Supporters say that money in the fund could eventually be used to help build an alcohol treatment center or increase law enforcement in Whiteclay.

When given first-round approval early this month, lawmakers acted to create the fund, but put no money in it.

Four stores in the village of 14 people sell approximately 4 million cans of beer annually, most to residents of the dry Pine Ridge reservation that's within walking distance across the border in South Dakota.

**Neb. Lawmakers Warned About Tax Breaks**

LINCOLN, Neb. (AP) — A warning flare was fired at Nebraska lawmakers before they gave second-round approval to more tax breaks for businesses.

The chairman of the Legislature's budget-writing Appropriations Committee, Sen. Lavon Heidemann of Elk Creek, told lawmakers on Wednesday they risk "giving away the farm to get the farmer" when it comes to tax breaks.

Nebraska is in a heated competition with other states for the deepest tax breaks to lure businesses.

The warning didn't change lawmakers' positions on Wednesday. Should tax breaks designed to attract high-tech companies get final-round approval and be signed into law by Gov. Dave Heineman, it could reduce state revenues by about \$13 million in several years.

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**Rounds Vetoes Lease For Playhouse**

BY CHET BROKAW  
Associated Press Writer

PIERRE — Gov. Mike Rounds vetoed a bill Wednesday that sought to continue the state lease with the Black Hills Playhouse and allow the popular nonprofit theater one last chance to raise money and fix up its facility.

The Republican governor said the measure is unconstitutional because it deals only with one organization, improperly interferes in a pending lawsuit and attempts to impose conditions with which the playhouse has already failed to comply.

Top lawmakers said they would try to override the veto. The bill passed both the House and Senate by wide majorities.

Legislative leaders sponsored the bill to help the summer stock playhouse, which has operated in Custer State Park for nearly 65 years. Its lease with the state expired last year, and state officials have opposed renewing it unless the playhouse first fixes buildings and make other upgrades, particularly to the sewer system.

The bill would have extended the lease until 2019, as long as the playhouse made state-approved repairs and improvements by 2012.

The measure was sponsored by Senate Republican Leader Dave Knudson of Sioux Falls, Senate Democratic Leader Scott Heidepriem of Sioux Falls, House Republican Leader Bob Faehn of Watertown and House Democratic Leader Bernie Hunhoff of Yankton. It passed the House 65-4 and the Senate agreed with that version on a 29-5 vote.

NEB. CSI CONVICTION

**Flood Of Appeals Now Likely**

OMAHA, Neb. (AP) — As the chief crime scene investigator for Nebraska's busiest county, David Kofeod spent more than a decade helping put away hundreds of criminals using cold, hard science. He developed a reputation as a man who could find things others couldn't.

That reputation was destroyed Tuesday when the Douglas County CSI director was convicted of planting blood evidence during a murder investigation. The conviction throws into doubt the legitimacy of other cases on which he worked, and some of those he helped put behind bars are likely lining up to appeal.

"I think that process has already begun," Clarence Mock, the special prosecutor in Kofeod's case, said Wednesday.

Douglas County prosecutors, wary of a potential flood of appeals, were quick to say they reviewed past cases and believe the 53-year-old Kofeod only planted evidence in the investigation for which he was convicted.

Still, one man convicted of murdering his young son already has challenged Kofeod's work. And Chief Deputy Sheriff Marty

Bilek said sheriff's department officials are prepared to respond as criminal defense attorneys seek review of Kofeod's past cases.

"It's a very unfortunate circumstance, but it would behoove attorneys who have cases that involved Dave Kofeod to re-examine them and we'll cooperate with any attorney who wishes to do that," Bilek said.

Kofeod's work came into question after his 2006 investigation into the slaying of a rural Cass County couple, Wayne and Sharmon Stock. Detectives zeroed in on the couple's nephew and his cousin, but found no physical evidence tying the two to the killings. They managed to get a confession from the nephew, but he retracted it the next day. A day later, Kofeod said he found a drop of one of the victims' blood in a car linked to the suspects that had already been combed over by another forensic investigator.

The suspects were charged with murder and jailed for several months before being released because prosecutors determined the confession was unreliable and didn't fit the facts of the case. A

man and woman from Wisconsin eventually pleaded guilty to murdering the couple and are serving life prison terms.

The FBI began investigating Kofeod after the slain couple's nephew filed a lawsuit alleging civil rights violations. The agency's findings led authorities to charge Kofeod with evidence tampering in April.

During his trial, Kofeod blamed the speck of blood found in the car on accidental contamination. But Cass County District Judge Randall Rehmeier said he didn't buy it, and that the evidence showed Kofeod intentionally planted the blood in the car.

Kofeod has not been charged in any other investigation. He remains free on bond, but is due back in court in May for sentencing. He faces up to five years in prison and a \$10,000 fine. Kofeod has not responded to a request for comment made to his attorney, Steve Lefler, who said Kofeod may appeal.

His conviction drew surprised gasps from the courtroom gallery on Tuesday, and Omaha's legal community was still abuzz a day later.

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