

Family Hurt In Home Explosion Sues Company

HARRISBURG (AP) — A family injured in a January explosion at their rural Harrisburg home is suing the company that supplied them propane.

Yuri and Nina Shkinder and their adult daughter, Nataliya, allege in the lawsuit that gas from the propane tank on their property migrated into their home, causing the blast.

The *Argus Leader* reports that the Shkinders allege Cenex Energy/Ellis Worthing Propane and Eastern Farmers Cooperative failed to inspect and maintain the propane lines and provide a gas detector.

Company energy department manager Chuck Springman did not immediately respond to an Associated Press request for comment on Friday.

Pine Ridge Residents React To Indictments

PINE RIDGE (AP) — Some residents of the Pine Ridge Indian Reservation say they don't believe the indictment of 17 people for drug-dealing will slow down the local drug trade.

Pine Ridge Mayor Carole Crazy Thunder-O'Rourke tells KELO-TV that there was a big drug bust just a couple of years ago, and the drug trade continues. She wonders what effect the latest bust will have.

Resident Rico Brewer says that with high unemployment, many people on the reservation turn to drugs to support their families.

U.S. Attorney Brendan Johnson announced this week that a federal grand jury had indicted 17 people on charges relating to marijuana, cocaine and methamphetamine distribution in and around the South Dakota reservation.

ACLU Files Appeal Brief In Immigration Case

FREMONT, Neb. (AP) — Attorneys for the American Civil Liberties Union are arguing that the city of Fremont overstepped its authority with an immigration ordinance that requires potential renters to prove their citizenship status.

The *Fremont Tribune* reports that the lawyers submitted their opening brief Wednesday to the Eighth U.S. Circuit Court of Appeals. The lawyers are trying to overturn part of an ordinance that was upheld by a federal judge.

U.S. District Court Judge Laurie Smith Camp rejected part of the law that would have banned the harboring of illegal immigrants and allowed city officials to revoke the rental licenses of illegal immigrants. But she let stand another part requires potential renters to establish their citizenship or legal status and pay \$5 for the renter's license.

Nebraska Air Guard To Conduct Flying Salute

FREMONT, Neb. (AP) — The Nebraska Air National Guard will conduct a flying salute to the state's fallen veterans on Memorial Day.

The *Fremont Tribune* say the 155th Air Refueling Wing will conduct its annual salute over 60 Nebraska cemeteries on Monday. A flight crew has volunteered to conduct the flyover using a single KC-135R Stratotanker.

Last year's salute was canceled after the unit's available aircraft were ordered overseas to support operations in Afghanistan, Libya, Iraq and other locations.

Monday's flyover includes Blair, Fremont, Lyons, North Bend, Oakland and Rogers.

40 Treated After Ammonia Leak At Neb. Plant

MADISON, Neb. (AP) — An ammonia leak briefly disrupted operations at a northeast Nebraska pork plant and sent 40 workers to area hospitals for evaluation.

The ammonia leak developed around 8 p.m. Thursday in the refrigeration system at the Tyson Foods plant in Madison.

Tyson spokesman Gary Mickelson says the plant's 150 workers were evacuated. Forty workers were taken to hospitals as a precaution and later released.

A spokeswoman for Faith Regional Health Services in Norfolk says the hospital treated 10 workers for minor chemical inhalation before releasing them.

The ammonia leak has been repaired, and Mickelson says the plant is operating normally on Friday.

Sioux Falls Authorities Locate Missing Parolee

SIOUX FALLS (AP) — Authorities in Sioux Falls say a missing parolee is back in custody.

The Department of Corrections says 21-year-old Daniel Brisbin left the minimum-security facility on the State Penitentiary grounds without permission shortly after 9 a.m. Friday. He had been serving sentences for grand theft and burglary out of Minnehaha County.

Shortly after 2 p.m. Friday, authorities say Brisbin was located in Sioux Falls. He is in custody.

S.D. Red Meat Production In April Up Over Year

SIOUX FALLS (AP) — Commercial red meat production for South Dakota totaled 81.9 million pounds during April, down 5 percent from March but up 2 percent over the year.

The Agriculture Department says both pork and sheep production were up from April 2011.

The commercial hog slaughter for South Dakota totaled 363,100 head during April, compared to 361,800 the previous year.

Neb. Utility Reports Finding Flaw At Nuke Plant

BY JOSH FUNK  
Associated Press

OMAHA, Neb. — Omaha Public Power District workers found a flaw this week in one of more than 50 heaters that help maintain the temperature of the water used to generate steam at its nuclear plant, but the utility said Friday that the plant remains safe and shut down.

OPPD found the problem Monday and reported it to the Nuclear Regulatory Commission two days later, after determining the issue could be significant. It was discovered while workers were replacing a faulty heater and following up on a report of a problem with similar heaters last year at a British nuclear power plant.

The Fort Calhoun Nuclear Station, about 20 miles north of Omaha, has been shut down since April 2011. The utility is working with NRC officials to thoroughly inspect the plant and make sure it is safe before restarting.

OPPD officials said the system with the flawed heater operates only when the plant is running.

NRC spokesman Victor Dricks said he could-

n't comment on what OPPD found because regulators just started looking into it. But he said the problem didn't represent a threat to public safety because Fort Calhoun is shut down.

OPPD is working to address regulators' concerns about past safety problems. The violations found at Fort Calhoun include a small electrical fire last June, the failure of a key electrical part during a 2010 test and deficiencies in flood planning that were discovered a year before last summer's extended flooding along the Missouri River.

Fort Calhoun was surrounded by floodwaters for much of last summer, though workers were able to keep water out of critical areas of the plant.

OPPD's Chief Nuclear Officer Dave Bannister said the utility first began inspecting the heaters on Fort Calhoun's pressurizer last year after a British utility found a crack in one of its heaters.

These heaters are part of Fort Calhoun's reactor cooling system.

No problems were found initially, but Bannister said two of the heaters at Fort Calhoun had stopped working before the plant shut down last spring, so officials decided to replace those

faulty units.

One heater was replaced in November, but the heater with the problem was stuck and couldn't be removed until this week when experts with the right gear could visit Fort Calhoun.

Bannister said workers found a small crack in the steel shield that surrounds the heater, but no coolant leak.

"We never saw any leakage on this. We caught it early," Bannister said.

OPPD utility tentatively plans to restart Fort Calhoun in late September, Bannister said Friday. But the schedule could change if any new issues are found during this summer's inspections.

"Before we restart the plant, we'll walk down and test every piece of equipment," Bannister said.

The timing of the restart means OPPD will again have to purchase electricity from other sources to meet peak summer demand, but officials don't expect rate increases this year because of that.

Last year, OPPD spent about \$32 million to buy electricity from other sources while Fort Calhoun was closed.

Rep. Noem Battles Allegations Of Absenteeism

SIOUX FALLS (AP) — Republican Rep. Kristi Noem is calling "hogwash" on allegations that she's slacking off in Washington by missing committee meetings, saying that she simply hasn't "mastered the art of being in two or three places at the same time."

Noem addressed the allegations Thursday as she met with 17 members of the state's agriculture community to discuss a farm bill.

Democrats say she has attended just four of 20 agriculture meetings since being appointed last June, according to a Friday story in the *Argus Leader*.

Noem countered that she serves on three committees and nine subcommittees and that the meetings sometimes overlap.

But the state's Democratic Party isn't backing off the allegations, and has been running critical radio ads accusing Noem of absenteeism. Party members say they've watched committee recordings and read transcripts to determine the attendance — there isn't always an official roll call — and found that Noem has spoken just once at an agriculture committee meeting.

"When she was given that seat, she said she was going to be a vigorous advocate for agriculture," Democratic Chairman Ben Nesselhuf told the newspaper. "By no definition has that been true. ... We expect our representatives to be working for us. When they're not, we're going to point that out."

The newspaper first wrote

about the Democrats' allegations on May 13, prompting swift response from Noem's office.

"The Democrats' assertions on her attendance record are dangerously inaccurate," spokeswoman Andrea McCarthy wrote in an email to The Associated Press.

In one highlighted instance, Noem missed an agriculture committee meeting on June 23, 2011 — the first meeting after her appointment. Transcripts show she was at the Natural Resources Committee, which had a meeting at the same time and where she was sponsoring a wind energy bill.

Still, the Democratic Party said Noem's attendance proves she hasn't been a strong voice for farmers and ranchers.

"This is a fireable offense," Nesselhuf said earlier this month. "I can think of no job in South Dakota where you could show up for one in five times and still be employed."

Noem, whose fundraising is outpacing both Democratic opponents for South Dakota's lone U.S. House seat, said her office is planning a campaign to counter the allegations.

"We're going to make sure South Dakotans know the truth," she said. "This is important to me."

Noem is being challenged by Democrats Matt Varilek and Jeff Barth. Voters will choose between Varilek and Barth in the June 5 primary election.

Court Opinion: School District Can Challenge Landowners

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — A newly reorganized eastern Nebraska school district can challenge the move by several residents to transfer their land to the tax rolls of a neighboring school district, the Nebraska Supreme Court said Friday.

The high court's opinion came on the appeal of East Butler Public Schools, reorganized in the spring of 2010 when the East Butler and Prague school districts merged.

Around the same time, about a dozen landowners transferred their property for taxing purposes to the Wahoo school district in a process called freeholding.

Freeholding applies only to land in a K-12 district with 60 or fewer students in the high school. Land can be transferred only if another district is within 15 miles and the landowner's district has voted to raise school taxes above a state-imposed tax levy cap of \$1.05 for every \$100 of assessed property value.

The landowners argued they had met those requirements, but East Butler said the state approved its merger with the Prague school district before landowners' freehold petitions were approved.

"That was the question: whether or not we won the race or they won the race," East Butler Superintendent

Jim Koontz said on Friday.

With the merger of the East Butler and Prague school districts, high school enrollment jumped to more than 100 students, Koontz said. Also, the newly reorganized district did not exceed the tax levy cap of \$1.05, he said, making the land transferred to the Wahoo School District tax rolls ineligible to do so.

Neither Koontz nor the attorney for East Butler Public Schools, Rex Schultze, could recall how many acres had been moved to the neighboring school district's tax rolls, but Schultze estimated that the land and property on it was valued over \$2 million. That would be a loss of more than \$21,000 per year to the East Butler district.

Last year, a Saunders County judge dismissed East Butler's claim that the landowners should not have been allowed to transfer their property. Judge Mary Gilbride said East Butler lacked standing to file a claim in the case and failed to file a timely appeal.

But the state's high court disagreed and ordered the case back to the lower court.

"Standing requires that a litigant have a personal stake in the outcome of a controversy that warrants invocation of a court's jurisdiction," the high court wrote in its opinion. "The plan that the school district expended time and money in developing could be destroyed by a gradual chipping away of freeholder petitions. If a school district may initiate changes in its boundaries, there is no reason its hands should be tied in fending off a post-petition dismantling of its plan."

Upper Midwest Farmers Have Unique Problems

GRAND FORKS, N.D. (AP) — The mild winter and early spring that gave Upper Midwest farmers a head start have also led to headaches in the form of unusual weeds and insects.

The arrival of normal weed and insect problems has been accelerated and new issues that farmers don't encounter in a typical growing season are popping up, according to Agweek.

"It's a double-edged sword," said Ian MacRae, an entomologist with the University of Minnesota Extension Service.

For example, astor leafhoppers, which are seldom a problem in the Northern Plains, have surfaced in the Dakotas and Minnesota. Alfalfa weevil larvae are expected to be active and damaging plants in western South Dakota several weeks earlier than normal.

"Things are just moved up this year," said Mark Rosenberg, agronomy weeds field specialist

with the South Dakota State University Extension Service.

Water hemp — "the most satanic weed there is" — is an even greater threat because of this year's extended growing season, said Rich Zollinger, weed specialist with the North Dakota State University Extension Service.

"People need to understand just how evil this weed is," he said.

One of the reasons is that it can become resistant to the herbicide glyphosate, a popular weedkiller. Extension agents have confirmed that water hemp and kochia weed on about 2,000 acres in north central and eastern South Dakota no longer respond to glyphosate, according to the *Argus Leader* newspaper.

Glyphosate resistance has been a problem in other part of the country for years. In South Dakota, "Those numbers seem to be trending up," weed specialist Mike Moechnig said.

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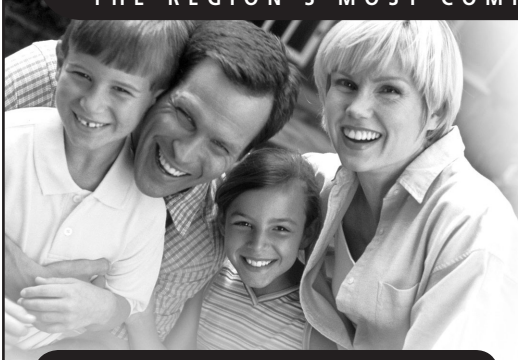
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