

Bird Flu

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The Knox County facility was placed under NDA quarantine Wednesday following a preliminary positive test for avian flu. NDA officials expect a federal laboratory will confirm the findings today (Thursday).

A perimeter has been established around the Knox County site, as was done with the three Dixon County sites, and the birds will be depopulated. In compliance with USDA regulations, state officials will visit all locations within 6.2 miles of the Knox County site and conduct testing.

The Knox County case marks the second bird flu detection in northeast Nebraska within a week.

After preliminary testing, Nebraska Department of Agriculture officials confirmed last Friday the presence of a third case of bird flu in Dixon County. The third farm, referred to as Dixon 3, is within a mile of the first farm, referred to as Dixon 1.

Dixon 3 is a flock of 500,000 pullets (young hens). Dixon 1 and Dixon 2, announced the previous week, collectively have 3.5 million laying hens.

"These farms are in proximity to each other so this finding, while unfortunate, is not unexpected," lbach said. "We continue to receive great support from our federal, state and local partners, as well as from the operator, as we work to control

the spread of the virus."

All three Dixon County sites were placed under quarantine. Dixon 3's close location to the other facilities means a significant overlap of the 6.2 mile radius for each site, state officials said.

Dixon 1, Dixon 2 and the Knox County facility are egg laying facilities, therefore the chickens are not consumed by humans, NDA officials noted. The eggs from these facilities undergo pasteurization, eliminating risks from consuming the eggs, the state officials added.

The Nebraska Department of Health and Human Services is working with local health departments and the producer to interview workers about their possible exposure and to monitor them, if needed.

Nebraska Gov. Pete Ricketts issued a state emergency declaration May 12. The declaration provides the Nebraska Department of Agriculture and other state agencies with needed resources.

The northeast Nebraska bird flu detections come on the heels of May 9 detections at commercial turkey farms in Yankton and Hutchinson counties in southeast South Dakota. Those two counties are located across the border from the detections in Knox and Dixon counties.

The two South Dakota outbreaks bought the number of affected commercial turkey farms in South Dakota to eight at the time, said state veterinarian Dr. Dustin Oedekoven. The state doesn't release the names

of affected farms, just the counties in which they are located. However, he confirmed roughly 68,000 growing turkeys at the Yankton County site and 52,000 at the Hutchinson County site.

Oedekoven updated the South Dakota Animal Industry Board (SDAIB) on the avian flu outbreak during the board's recent meeting. Approximately 465,000 turkeys had been destroyed in South Dakota as a result of avian influenza, he said.

In response to the avian flu, the SDAIB issued a board order May 21 suspending all South Dakota bird exhibitions until further notice. The action was taken as a precautionary measure to minimize the risk of further spreading the virus.

As a result of the order, all 4-H poultry shows in South Dakota are suspended until further notice. If the suspension is lifted, the state 4-H office will work with the SDAIB to develop a timely plan. Members are still encouraged to complete the ownership and identification requirements for poultry projects.

The risk to the public related to the virus is very low and is not considered a food safety concern, Oedekoven said.

"This (AIB order) is a precautionary measure needed to protect the poultry industry and backyard owners from a devastating disease," he said. "The (AIB) is taking this action to control potential disease transmission."

No human cases have been associated with the avian flu,

according to the Nebraska Department of Agriculture news release. Proper handling and cooking of poultry and eggs to an internal temperature of 165 degrees kills the virus.

All Nebraska poultry producers are asked to monitor their flocks for symptoms and to notify the NDA immediately if they detect any signs of the disease, lbach said.

The state, federal and industry response to the avian flu follows five steps, according to the NDA news release. The process includes: quarantine of the poultry area; eradication of the birds through humane methods; monitoring the region and testing birds; disinfecting the area to kill the virus; and testing to confirm the poultry farm is free of the bird flu virus.

All bird owners, whether commercial producers or backyard enthusiasts, should prevent contact between their birds and wild birds, NDA officials said. Sick birds and unusual bird deaths can be reported to state and federal officials by calling the NDA at (877) 800-4080 or the USDA at (866) 536-7593.

Additional information on the bird flu can be found on the Nebraska Department of Agriculture website at www.nda.nebraska.gov.

The South Dakota Animal Industry Board can be contacted at (605) 773-3321.

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Override

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introduced a repeal measure 38 times. "I've been pushing for this for 40 years, but all of this time it's never been done. If it could be done by one man, it would have been done a long time ago."

Nebraska joins 18 other states and the District of Columbia in banning the ultimate punishment. Shortly after the vote, Ricketts issued a statement condemning the Legislature.

"My words cannot express how appalled I am that we have lost a critical tool to protect law enforcement and Nebraska families," Ricketts said in a statement. "While the Legislature has lost touch with the citizens of Nebraska, I will continue to stand with Nebraskans and law enforcement on this important issue."

Nebraska's action to repeal the death penalty is unusual because of its traditionally conservative leanings. Maryland was the last state to end capital punishment, in 2013. Three other moderate-to-liberal states have done so in recent years: New Mexico in 2009, Illinois in 2011 and Connecticut in 2012.

Some senators said they philosophically support the death penalty but became convinced the state will never carry out another execution because of legal obstacles. Nebraska hasn't executed an inmate since a 1997 electrocution, and the state has never done so with its current lethal injection protocol.

Nebraska lost its ability to execute inmates in December 2013, when one of the three lethal injection drugs required by state law expired. Many senators were swayed by the fact that state officials have repeatedly failed to administer the punishment, calling the death penalty a poorly managed and inefficient government program.

"The taxpayers have not gotten the bang for their buck on this death penalty for almost 20 years," said Sen. Colby Coash, a Republican and death penalty opponent. "This program is broken. How many years will people stand up and say we need this?"

Impact

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resident Denny Davis sees the Nebraska action as giving momentum to his group, South Dakotans For An Alternative to the Death Penalty.

"I think this is a statement from the Nebraska Legislature, a statement of the people and a statement of the conservative legislators," he said. "They no longer are going to have to put up with putting a human being to death."

Davis, a Catholic deacon at St. Agnes Church in Vermilion, sees the death penalty as a moral issue and has worked with an ecumenical effort.

"We are killing our citizens for no reason," he said. "It's immoral and horrible public policy."

However, he's also focusing on other factors as he prepares bills for the 2016 Legislature.

"We're doing a cost analysis in South Dakota," he said. "We hope to bring some things at the end of the year so we can introduce legislation next January."

Davis believes South Dakota will eventually repeal its death penalty. "It's a matter of time. Hopefully, we will get things done in South Dakota before too many years," he said.

vote last week when the unicameral gave final approval to the bill repealing the death penalty. However, he did vote Wednesday against overriding Ricketts' veto and in favor of keeping capital punishment.

Larson represents Rock, Holt, Boyd, Knox, Cedar, and Dixon counties in north central and northeast Nebraska.

"Today my conscience weighs heavier than it ever has in this body," Larson said on the floor, indicating how conflicted he was on the vote.

Larson said he represents the most Catholic district in the state with many of his constituents holding strong pro-life convictions. However, he said he voted to uphold the death penalty in keeping his campaign promise. He added that he may vote differently if another death penalty bill comes before the unicameral.

Nebraska became the first conservative state to repeal the death penalty since 1973.

However, the Nebraska debate may not be finished. Those supporting capital punishment announced Wednesday they would launch a petition drive to reinstate the death penalty.

SOUTH DAKOTA DEBATE

The move to repeal the death penalty represents a grassroots movement, Davis said.

"I think there is awareness, and attitudes are changing," he said. "Basically, we're turning this around."

South Dakota Attorney General Marty Jackley previously told the Press & Dakotan he supports keeping capital punishment, which was reinstated in South Dakota in 1979. He argues the death penalty is needed for vile crimes.

"South Dakota has imposed capital punishment on only the most dangerous defendants," he said. "These are individuals who not only visited unspeakable suffering to their victims but who also pose a serious risk of future harm to South Dakota citizens."

Stevens said he supports Jackley's stand.

"I agree with (the attorney general) when he wrote to the Legislature that 'Our statute limits the imposition of a capital sentence to only premeditated, 'aggravated' murders, such as those involving the torture or dismemberment of victims, the killing of small children and the killing of law enforcement officers,'" Stevens said.

"In my opinion, South Dakota has conservatively and responsibly reserved capital punishment for only this state's most dangerous and deserving offenders, to exact a punishment commensurate with their crimes and to protect innocent life from future tragedy. For those reasons and others, I am in favor of the death penalty."

Davis pointed to factors leading more states to look

at repealing capital punishment. He cited the added expenses for a death penalty trial, including the longer jury selection process, the potentially large number of witnesses, the costs for DNA evidence, the use of more defense attorneys and the continuous appeals.

The lengthy trials and appeals can keep inmates on death row for years, Davis said. The lengthy process also forces the victims' families to relive the crime and gives the inmate additional media coverage, Davis said.

In some cases, the victims' families oppose the death penalty, he said.

In addition, some states find difficulty in obtaining the needed drugs for executions, Davis said. Some drugs must be obtained from foreign

countries, including those that refuse to sell the drugs for capital punishment, he said.

Stevens said the death penalty isn't a partisan issue, with many factors affecting both public opinion and legislators' votes.

"I know Republicans who are against the death penalty, and I know Democrats that are in favor of it, as well," he said. "Consequently, I don't believe that one can explain the Nebraska vote based upon political parties."

Stevens pointed to examples in the South Dakota Legislature where the death penalty issue crossed party lines.

"During recent committee meetings on the death penalty bills in South Dakota, a former South Dakota attor-

ney general and trial judge, both Republicans, testified in favor of repealing the death penalty in South Dakota," he said. "Thus, I think individual's reasons to be for or against the death penalty are numerous and not necessarily based upon solely on their political affiliation."

In the end, the responsibility for repealing capital punishment lies with all citizens and not just elected officials, Davis said.

"The death penalty isn't about what they (criminals) do, but what we do," he said. "We enact these laws to kill human beings. We have got to be accountable for that."

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THE UNICAMERAL ACTS

By a 32-15 vote, the Nebraska unicameral gave final approval last week to a bill abolishing the death penalty. The 32 votes were more than the 30 votes needed to override Gov. Pete Ricketts' anticipated veto.

Ricketts vetoed the bill on Tuesday and sought to flip enough senators' votes to uphold his veto. In addition, he had announced the state bought new lethal injection drugs to resume executions.

On Wednesday, the Legislature voted 30-19 — with no votes to spare — to override the veto and to repeal the death penalty.

District 40 Sen. Tyson Larson of O'Neill didn't cast a

Almost immediately after Riverboat Days, construction work will then focus on Riverside Park, leading to the temporary closure of the capitol building parking lot and a number of walking trails throughout the park. The work is scheduled between Aug. 25 and Nov. 30.

Goodmanson said they're even hoping to have any grass torn up for the project reseeded by winter.

"We hope to have everything seeded back this fall so that we have grass coming up right away this spring so that the following year by Riverboat Days, we have good grass," he said. "If we have any issues with that, we could always do a change order and put in sod next spring to finish that up, if we have to."

Feimer Construction of Yankton is the main contractor on the project.

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Water

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Currently, the first phase of the project is scheduled to begin July 13 and go through Aug. 19. During this time, Levee St. from the baseball field concession stand south to the softball field parking lot entrance will be closed, along with the parking lot on the north side of the softball field.

Goodmanson said the goal is to have as little impact on Riverboat Days — set for Aug. 21-23 — as possible.

"This should not really affect Riverboat Days," he said. "Some of the areas where we tear up the street along the softball field that we do in July, we'll just do a temporary asphalt patch on those so come Riverboat Days, it won't be gravel, it'll be asphalt. The road might be a little bumpy, but everything should at least be usable."

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