

Neb. Lawmakers Conclude Historic 2015 Session

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska lawmakers concluded an historic 2015 session Friday marked by high-profile votes to raise the gas tax, allow driver's licenses for certain immigrant youths brought to the country illegally and abolish the death penalty.

Senators and Gov. Pete Ricketts focused on their policy agreements on spending and property tax reductions and played down the three veto-over-ride votes on this year's most contentious issues.

Ricketts set aside his recent defeats and congratulated lawmakers on their efforts to lower property taxes and slow state spending.

"The work we do impacts hardworking Nebraskans all across the state," Ricketts said. "Our work here in Lincoln has real-life implications, which is why it's so important that we keep the lines of communications open and work together to grow Nebraska."

Ricketts and lawmakers agreed on a budget that grows state spending by about 3.5 percent annually for the next two-year cycle, compared to the average 5 percent increases in past years. They also added \$64 million a year to the state's property tax credit fund — used to offset local property taxes — for a total of \$204 million annually.

The governor's comments came days after lawmakers overrode his

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veto of a death penalty repeal bill and legislation to give driver's licenses to certain young immigrants who were brought to the country illegally. Senators also increased the gas tax over his objections.

The vote to repeal Nebraska's death penalty drew national attention because of the state's conservative leanings. Sen. Ernie Chambers of Omaha had fought for four decades to abolish the death penalty, passing a repeal bill once before and never overriding a governor's veto.

"That will probably be our legacy, for better or worse," said Sen. Laura Ebke, of Crete.

Speaker of the Legislature Galen Hadley praised senators for their willingness to tackle issues such as the death penalty, gas tax and licenses bill.

"Sometimes it's easy to duck issues, and those three issues were difficult," said Hadley, of Kearney. "But we took them on."

Sen. Paul Schumacher said lawmakers steered clear of the kind of "risky tax changes" that have created budget problems in states such as Kansas. But he said lawmakers fell short in their effort to plan for longer-term economic development and tax reforms.

"It's been one of my biggest complaints since I've been in the Legislature," he said. "We're a very reactive body. Perhaps if we had more strategic planning, we would be able to do a better job in taking the state into the future."

The session was the first for 18 senators who arrived at the Capitol in January because of term limits. The new group helped defy early expectations that the nonpartisan Legislature would tilt more conservative as Republicans expanded their majority.

Many first-year senators spent the session learning the ropes.

"The best way to describe being in the legislature is trying to learn how to swim," said Sen. Dan Hughes, of Venango. "You can watch YouTube. You can read books. But until you jump in the pool you have no idea how to do it."

Ricketts also highlighted the state's prison reform efforts and a bill that minimizes the so-called "cliff effect" in public benefits, in which low-income families risk losing all of their public assistance if they receive a raise at work.

Ricketts Says Neb. To Proceed With Executions

LINCOLN, Neb. — Nebraska Republican Gov. Pete Ricketts says lawmakers' repeal of the death penalty won't stop his administration from proceeding with executions of 10 people already sentenced to death.

Ricketts said Friday that he doesn't plan to cancel a shipment of lethal injection drugs that the state bought earlier this month.

The GOP-controlled Legislature this week approved a law repealing the death penalty over the governor's veto. The law doesn't go into effect for three months.

Attorney General Doug Peterson has raised questions about whether it unconstitutionally changes the sentences of current death row inmates to life in prison.

Sen. Ernie Chambers of Omaha, the law's lead sponsor, has said it's constitutional. Chambers says the Legislature can't change a prisoner's sentence, but his law eliminates the state's authority to carry out executions.

Republican Wyoming On Board With Federal Sage Grouse Policy

BY MEAD GRUVER
Associated Press

CHEYENNE, Wyo. — Many Republicans are wary of a large federal effort to protect the greater sage grouse — but not the Republican governor of Wyoming, the state with the biggest share of the birds and more energy development in their habitat than any other.

Interior Secretary Sally Jewell praised Gov. Matt Mead's efforts to protect the ground-dwelling bird as she revealed plans Thursday to preserve sage grouse habitat on federal land in 10 Western states.

"From the get-go, this state has understood that the healthy sagebrush ecosystem and a healthy economy go hand-in-hand," Jewell said.

"There is not a choice to say we're going to forget the bird. We've got to find a way forward," said Mead, whose Democratic predecessor, Dave Freudenthal, launched Wyoming's sage grouse "core area" strategy in 2007.

Aware that the greater sage grouse sooner or later would face listing as a federally protected endangered or threatened species, Wyoming leaders acted pre-emptively. They designated huge portions of Wyoming as key sage grouse habitat where energy development still could occur, but under a variety of restrictions.

Wyoming is the top coal and uranium mining state and a major producer of oil, natural gas and wind power. Its energy development occurs in the vast grass-and-

sagebrush ecosystems that are home to sage grouse — a dusky-colored, chicken-sized bird famous for its elaborate courtship rituals. Wyoming's "core areas" create habitat, and the plans announced by Jewell mirror Wyoming's strategy.

Never before has the federal government engaged in such a massive land-planning effort for a single species. The Interior Department proposes new rules to protect habitat for the greater sage grouse from oil and gas drilling, wind farms, power lines and other development in 10 states: California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah and Wyoming.

In prime sage grouse habitat, oil and gas wells would be clustered in groups of a half-dozen or more under the federal plan. Drilling near breeding areas would be prohibited during mating season, and power lines would be moved away from prime habitat to avoid serving as perches for raptors that eat sage grouse. The government still intends to honor existing rights to develop resources on that land. The plan applies to federal lands in 10 states.

The U.S. Fish and Wildlife Service, an agency within Interior, faces a Sept. 30 court-ordered deadline to decide whether the greater sage grouse warrants protection as a threatened or endangered species. Some environmentalists say such a listing is the only way to effectively protect the birds from extinction. Others warn listing the birds would be economically devastating for the region, costing thousands of jobs.

Body Found At Dickinson Site Identified

DICKINSON, N.D. (AP) — State officials say the body found last week at a construction site in Dickinson is that of a 30-year-old man who has been missing for more than three years.

The Bismarck Tribune reports Eric Haider was identified by North Dakota State Forensic Examiner's Office.

An examiner was able to positively identify Haider through medical records, distinguishable tattoos and personal effects found in the clothing on the body.

Haider went missing on May 24, 2012, at a work site in Dickinson where he had been working with a plumbing company. At the time, authorities excavated sites where trenches or pits were filled the day Haider disappeared.

Authorities have not given a cause of death and the body will continue to be examined.

Bird Flu Found At Moody County Farm

SIOUX FALLS, S.D. (AP) — Another turkey farm in South Dakota has tested positive for bird flu.

South Dakota State Veterinarian Dustin Oedekoven says a Moody County operation of about 50,000 birds has a presumptive positive test for avian influenza.

This latest farm brings to 10 the number of affected operations in South Dakota. In total there have been more than 1.7 million birds affected in the state.

Oedekoven says they're still waiting to learn whether the farm is affected with the H5N2 strain that's swept through the Midwest.

Crews will soon begin euthanizing the birds to prevent the spread of the virus.

It's been about two weeks since the state has had a confirmed case of bird flu. Oedekoven says cases are still popping up in the region, but are becoming less frequent.

Man Accused Of Defrauding Foundation

RAPID CITY, S.D. (AP) — A western South Dakota man convicted of creating a phony research company to bilk the National Science Foundation out of \$100,000 won't have to spend time in prison but has been ordered to repay the money.

Chief U.S. District Judge Jeffrey Viken on Thursday sentenced Scott Thompson, of Hermosa, to five years of probation and ordered him to pay about \$88,000 in restitution stemming from his October conviction on numerous fraud-related counts. Thompson faced trial last year after authorities accused him of making false claims and filing false documents to obtain a federal grant and later using thousands of dollars from the award for personal use.

Federal court records show Thompson said that Isosceles LLC would use a \$150,000 grant from the National Science Foundation to do research on the use of polymers to generate solar energy. Thompson listed a CEO and a researcher for Isosceles in the proposal to obtain the grant, but neither of the individuals actually worked for the company.

A superseding indictment filed in September 2013 shows Thompson received \$100,000 in grant money between 2009 and 2010, but he used about \$80,000 for personal transactions and about \$13,000 on project-related expenses.

The National Science Foundation began to scrutinize the grant after it found that the researcher listed on the grant proposal was not working for the company.

Viken on Thursday also denied Thompson's requests for an acquittal and a new trial.

Thompson's attorney didn't immediately return a call seeking comment on the case Friday.

Diversion Authority Defied Injunction

FARGO, N.D. (AP) — Some opponents of a Red River diversion project say construction has continued on a related ring levee south of Fargo even after a federal judge ordered workers to stop.

The levee would protect structures in the Oxbow, Hickson and Bakke areas where floodwaters would be staged when the diversion channel is needed. Judge John Tunheim earlier this month ordered the delay until an environmental study on the diversion is complete.

Marcus Larson, who lives in the Bakke area, says in court documents filed Friday that "the pace of construction has increased substantially" since the injunction was ordered. He says he has pictures to prove it.

The Fargo-Moorhead Diversion Authority is appealing the injunction. One of its attorneys, Robert Cattanch, did not immediately return a phone message to The Associated Press.

Nebraska Court Upholds Return Of Baby To Biological Parents

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A judge was right to return a baby to its biological parents, who had given up the child for adoption in 2013 to friends who could not have children of their own, the Nebraska Supreme Court ruled Friday.

The ruling also said that courts will not recognize open adoption arrangements — in which the biological parents are allowed to be part of the child's life — in private adoptions until the Legislature approves it.

The biological couple, listed only as Teresa and Monty S. in the ruling, agreed to conceive a child and give the baby to their friends — listed only as Rebecca and Jason W. — in a private adoption. Teresa and Monty testified that they felt sorry for their friends, because Rebecca could not conceive children and a foster child who had been placed with Rebecca and Jason was later placed with biological relatives.

The adoption was to be open, but that agreement fell apart after nearly a year when Rebecca and Jason determined that Teresa's visits had become too frequent and disruptive.

Teresa and Monty filed to invalidate the adoption and take custody of the child. A Richardson County judge ordered the child returned to Teresa and Monty last year, based on a 1984 Nebraska Supreme Court ruling in a foster care case that said open adoptions allowed biological parents to retain some parental rights and were, therefore, invalid.

The Nebraska Supreme Court upheld the lower court's finding, adding that the Nebraska Legislature had revamped the state's adoption laws to allow for open adoptions of foster children after the 1984 ruling, but didn't address open adoption in private adoption arrangements.

"We are not unsympathetic to the plight of adoptive and biological parents as they navigate through the highly emotional process of adoption," Chief Justice Michael Heavican wrote in the unanimous decision. "Until the Legislature acts to ap-

prove of these open adoption arrangements in a private adoption context, this court will not recognize them and will instead continue to hold that relinquishments signed with the promise of such an open adoption are invalid."

An attorney for the biological couple, Jessica Meyer, said her clients are grateful for the ruling, "as this has been a long, emotional process for all parties involved." Meyer declined to comment on whether the adoptive couple has been allowed to maintain a relationship with the child.

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