1650

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\$10.00

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have handled long ago.

Several lawmakers said they will work to address opponents' concerns, but they couldn't offer any guarantee that they'd be able to find a workable solution.

"I don't think there's a clear consensus as far as the legislature's concerned," said Speaker Mike Flood, of Norfolk. "There's no agreement as to what the end result will

Dave Domina, an Omaha attorney working behalf of pipeline opponent Bold Nebraska, said in a legal brief filed last week that the state could require companies to build additional pipelines within existing right-of-way easements, such as the path of the original Keystone pipeline that cuts through eastern Nebraska.

Representatives for pipeline operator TransCanada say they can't move the pipeline because the proposal is too far along in a federal review that began years ago. The company applied for a federal permit in 2008

John McCollister, executive director of the Platte Institute, a right-leaning Nebraska think tank that has advocated for the Keystone XL, said any state law rerouting it would likely violate the U.S. constitution's commerce clause, which gives the federal government power to regulate international trade. He also said a law based on pipeline concerns would run afoul of the federal Haz-

Bridge

From Page 1

is awaiting arrival of an item that the firm concluded it needs to complete the project, according to Heiman.

"The contractor is installing conduit for the wiring of the lights for the lower deck," he continued. "He's hoping to have it done in the next two weeks also.3

Weekly meetings are being held with the City of Yankton so the transfer of ownership from the state to the municipality goes smoothly when work is complete. Heiman said the city will begin installing barriers to prevent non-authorized vehicular traffic from entering the bridge.

'The contractor and the city are coordinating their schedules so that the city's work doesn't interfere with completion of the contractor's work," he said.

The \$4.8 million conversion of the 87-year-old

bridge began in the spring of 2010 and was scheduled to be complete by last November. However, deterioration of the structure that had not been discovered during the planning stages meant unforeseen work had ardous Liquids Pipeline Safety Act, which places safety concerns in the hands of federal regulators.

McCollister said Nebraska should establish some siting rights related to pipelines, but nothing that would affect the Keystone XL.

Domina acknowledged the federal government has more power than the state on pipeline safety issues. But he said the state can shape a law based on land-use concerns or protecting natural resources.

Nebraska has control of that," he said. "Nebraska can decide whether we should build pipelines down the middle of main street, down the middle of the interstate, and along the aquifer."

Omaha Sen. Heath Mello said he and other lawmakers were still trying to figure out how much power the state had over pipeline routes. Mello, a Democrat in the officially nonpartisan legislature, said he was shocked Heineman still had not presented a proposal of his own to address the problem.

^{*}I wholeheartedly expect him to put something forward," Mello said. "This is unprecedented."

Heineman has said the session was designed to spur a discussion about the state's options in rerouting the line and regulating others in the future. He said he expects the session to end by Thanksgiving at the latest.

"I believe we need to make the effort," he said when he called the special session. "I think Nebraskans will appreciate that. But it's entirely possible at the end of the day we'll have this conversation, and the Legislature may come to the conclusion we don't have any legal and constitutional option."

"We want to deter pedestrians from entering the bridge," Heiman said. "We don't want anybody to get hurt. It isn't officially converted to a pedestrian structure yet. The contractor is still working, and we don't want to delay them from completing their work."

As far as proceeding with work on the Meridian Trail System, Moser said he is waiting on a pre-construction meeting to be scheduled. Work was originally anticipated to get under way on phase one last week, but uncertainty about the future of the project brought those plans to a standstill.

"The Nebraska Department of Roads (NDOR) has informed us that it will allow us to proceed on phase one, and they will commit 100 percent funding on phase two," Moser said Monday after having heard back from NDOR last week. "They will redesign the (second part of the) trail with an ex-

CROSSWORD By THOMAS JOSEPH ACROSS 2 In the

1 Pester style of 7 Mama's 3 Mouse's mate cousin 11 Sitka's 4 Demi's

keep it in public right-ofway. Phase one would extend from Gavins Point to Aten

Resort, while phase two would take it from Aten to Lewis and Clark Estates. The second phase had

ception to their policy and

become a sticking point because it was designed to be built in the public right-ofway, according to Moser. However, a new rule implemented by the NDOR last year no longer allows trails to be built in the right-ofway. Thus, the NDOR had requested that L&C NRD commit to condemning private property, if needed, in order to move that portion of the trail forward.

L&C NRD refused to agree to the condemnation of private property, so NDOR reconsidered its options and brought forward its new plan last week.

"That's as much as I know right now," Moser said.





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enough petition signatures to bring the proposal to a public vote.

Campaign manager Andy Wiese tells The Daily *Republic* newspaper that the group that calls itself Moving South Dakota Forward has gathered more than the required 15,855 signatures and will be filing the petitions Tuesday. The secretary of state must certify them.

The proposal would increase the state sales tax from 4 percent to 5 percent. It would split the estimated annual revenue of \$180 million between K-12 education and Medicaid funding.

The measure is backed by the South Dakota Education Association and the state Association of Health Care Organizations.

to be done by PCiRoads and its sub-contractors. The additional labor pushed completion of the project back to this year.

The SDDOT is assessing liquidated damages against PCiRoads in the amount of \$1,650 for each day beyond the November 2010 contract completion date. Heiman said credit is given for days when the weather does not allow work and for the time spent addressing repairs that were unforeseen in the plans.

"We've negotiated additional days and we're still working to negotiate days,' he said. "The final amount of liquidated damages against the contract has not vet been determined.'

In the meantime, work is progressing on the structure.

Death

From Page 1

Key and the man had been together earlier in the evening at a local bar. She was struck by the pickup after an altercation between the two parties outside of her home at 104 Sherman Street, Wausa

Key sustained head injuries and was transported to Osmond General Hospital in Osmond, Neb., where she was pronounced dead.

Authorities have not released the name of the driver involved in the incident. Alcohol is believed to be a factor.

The Nebraska State Patrol was assisted by the Wausa Police Department and the Wausa Volunteer Rescue Squad.

Funeral services for Key will be held at 10:30 a.m. Thursday at Thabor Lutheran Church in Wausa with burial in the Woodlawn Cemetery in Wausa. Visitation will be held from 5-8 p.m. Wednesday at the Brockhaus Funeral Home, Wausa.

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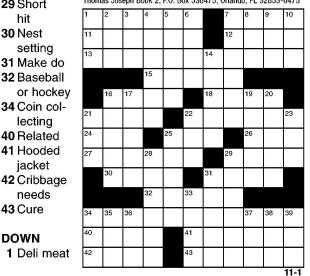
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30 Nest

Yesterday's answer h 19 Bungle 31 Origami 20 Paris river bird 33 Poet 21 Kin of blvds. Khayyám 22 Status — 34 Siesta **23** Used a **35** Luau chair music 25 Micromaker 36 Soviet jet wave 37 Anger sounds ef 38 Scoundrel e" 28 Pine products 39 Blue

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11-1 **CRYPTOQUOTE**

LJARP TAX, JM HJYAPX, GUX EJPG FJLXAMYZ RAYB YPXR ETDVKDR. — AYRSTAR QS VKFZKDB

Cryptoquote: **SUSPICIONS** Yesterday's AMONGST THOUGHTS ARE LIKE BATS AMONGST BIRDS, THEY EVER FLY BY LIKE BATS TWILIGHT. — FRANCIS BACON

515 Picotte