

**Officials Concerned About James River**

ABERDEEN (AP) — Brown County officials are concerned about the potential for spring flooding as the James River continues to flow above flood stage.

The Aberdeen American News reports (<http://bit.ly/vD6vNQ>) that U.S. Geological Survey water level monitors at Columbia, Stratford and Ashton all show moderate levels of flooding despite a dryer than average fall.

The James River at Columbia measured 16.6 feet on Tuesday, or 3.6 feet above flood stage. Levels were 3.4 feet above flood stage in Stratford and 1.4 feet above flood stage in Ashton.

Below-freezing temperatures are predicted for later this week, which will begin to freeze the surface of the river.

National Weather Service forecaster Amy Parkin says if the river completely freezes above flood stage, it would leave little room for spring runoff.

**Rural S.D. School To Remain Open**

CUSTER (AP) — A rural western South Dakota elementary school with just six students will be allowed to remain open for at least one more year.

The Rapid City Journal reports (<http://bit.ly/toYxP5>) that the Custer Board of Education withdrew a motion Monday to close Spring Creek Elementary after a board member agreed to head a special committee that will explore alternative ways to fund the school's operating costs.

Custer school officials cut more than \$840,000 from the budget for the current school year after the state Legislature slashed education funding.

Officials say the district spent \$69,663 to keep Spring Creek open last year.

Melissa Whitney has a kindergartener enrolled at Spring Creek. She called the board's decision a victory and says she expects enrollment to grow in the future.

**No Charges In Death Of Neb. Hunter**

HUBBELL, Neb. (AP) — Thayer County Attorney Daniel Werner says no charges will be filed against a man who accidentally shot and killed his hunting partner during the opening weekend of Nebraska's firearm deer season.

Werner says 69-year-old David Donan, of Hubbell, was shot by 72-year-old George McLeod while hunting on Sunday near Hubbell in southeast Nebraska. Werner says McLeod took a shot at what he believed was a deer, but he shot Donan.

Donan died at a hospital in Hebron.

Werner says Wednesday the shooting was an accident and no charges will be filed against McLeod.

**Man Injured When Truck Overtakes**

PIERRE (AP) — A Pierre man was injured Wednesday morning when the fuel truck he was driving went into the ditch and overturned.

Hughes County Sheriff's Sgt. Darin Johnson tells KCCR radio that Sheldon Scottchiesser was taken to a Pierre hospital for treatment. Johnson says the extent of the injuries is unknown but they are not considered life threatening.

Johnson says the truck began to drift to the road's shoulder, and when Scottchiesser overcorrected, it went across the road and into the west ditch, rolling onto its side.

The pickup contained four different fuel tanks, carrying about 250 gallons of fuel in each.

Johnson says only a minor amount of fuel leaked from the tanks. He says there was no need for cleanup crews or to call state environmental officials.

**Sanford To Receive Philanthropy Award**

SIOUX FALLS (AP) — Retired South Dakota banker T. Denny Sanford has been selected to receive the 2012 Award for Outstanding Philanthropist.

The award from the Association of Fundraising Professionals honors an individual with a proven record of exceptional generosity who demonstrates outstanding civic and charitable responsibility.

Sanford will receive the honor during a March 31 ceremony at the association's 49th International Conference on Fundraising in Vancouver.

Sanford has given more than half a billion dollars to the former Sioux Valley Hospitals and Health System that became Sanford Health in 2007. Sanford Health is based in Sioux Falls and Fargo, N.D.

He has also contributed \$70 million to the science authority that is turning the former Homestake Mine into an underground laboratory.

**Neb. Collects Record In Legal Actions**

OMAHA, Neb. (AP) — Federal prosecutors say Nebraska collected a record of nearly \$27 million in criminal and civil actions during fiscal 2011.

U.S. Attorney Deborah Gilg says Wednesday that the amount is nearly five times the annual budget for the Nebraska office. Gilg says \$21 million came from fines against Union Pacific Railroad for a lead contamination Super Fund site in Omaha.

The U.S. attorneys' offices are responsible for enforcing and collecting civil and criminal debts owed to the U.S. and criminal debts owed to federal crime victims.

The Department of Justice says it collected over \$6.5 billion in debts nationwide in fiscal 2011. It was the second consecutive year the amount surpassed \$6 billion.

**Workers Push Back Against Earlier Holiday Openings**

MINNEAPOLIS (AP)— Count your blessings, then get to work.

That may be Thanksgiving for more retail workers this year, as stores desperate to pull in buyers on the first weekend of the holiday shopping season push their openings earlier and earlier.

Unhappy workers who say it ruins their Thanksgiving celebrations are trying to persuade companies to back off, but retailers say they're stuck: It's what customers want.

Reporting to work at 11 p.m. on Thanksgiving Day ruins what is supposed to be a day spent with family, said Anthony Hardwick, who works part-time at a Target store in Omaha corralling carts. His online petition against Target Corp.'s plan to open at midnight on Black Friday had drawn more than 100,000 signatures from retail workers and the public by Wednesday, about two weeks after he launched it.

"The folks that work at Target are going to be working all night overnight on one of the most hectic retail days of the holidays," Hardwick said, "they need to be well-rested for that, so they have to miss out on Thanksgiving if they're going to be working overnight."

Merchants are competing for shoppers on a weekend that can be critical for their annual sales and profits, and a growing number fear opening at 4 a.m. or 5 a.m., as they have in recent years, may be too late in this challenging economy.

More than a decade ago, major retailers used to open their doors around 6 a.m. on Black Friday, but over the past five years they started to move that up to as early as 3 a.m.

A handful started limited testing of midnight openings several years ago. But midnight openings have proliferated this year, with Target Corp., Best Buy Co., Kohl's Corp. and Bon-Ton Stores Inc. all announcing 12 a.m. openings for the first time. Macy's, which opened eight stores at midnight last year, is opening all of its 800-plus Macy's stores nationwide at that time this year.

Retailers say they're responding to consumer demand for an ever-earlier start to the holiday shopping season. A National Retail Federation survey last year shows that the number of shop-

pers who flocked to stores opening at midnight following the Thanksgiving feast tripled in 2010 from 2009.

"We have heard from our guests that they want to shop Target following their Thanksgiving celebrations rather than only having the option of getting up in the middle of the night," said Molly Snyder, a spokeswoman for Minneapolis-based Target.

Snyder disputed that Hardwick was scheduled to work on Black Friday; Hardwick insisted that he was.

Wal-Mart Stores Inc., the world's largest retailer, will be offering discounts on toys, home accessories and clothing starting at 10 p.m. on Thanksgiving.

The Bentonville, Ark.-based discounter, whose supercenters already operate around the clock, opened most of its other stores by midnight on Thanksgiving evening last year. Duncan MacNaughton, chief merchandising officer at Wal-Mart's U.S. division, said customers said they would rather stay up late to shop than get up early.

**Court Upholds Dismissal Of Nebraska Regent Race Appeal**

OMAHA, Neb. (AP) — A federal appeals court on Wednesday upheld the dismissal of a lawsuit filed by a losing candidate for a seat on the University of Nebraska Board of Regents over campaign spending.

Wilber resident Robert Prokop's lawsuit accused the Nebraska Accountability and Disclosure Commission of breaking its own rules to influence the 2006 election. He said missteps by the commission unfairly allowed Jim McClurg to spend more than Prokop in the campaign. Prokop lost the District 5 race to McClurg.

At issue were matching state funds, which are made available to candidates when their opponents report spending 40 percent of their total estimated campaign expenditures. The opponents have to report reaching the threshold within five days of hitting it.

In McClurg's case, he reported on the day before the November 2006 election that he'd spent 40 percent of his estimate of \$125,000. That made Prokop eligible for about \$100,000 in state money. But Prokop refused the money, saying it had come too late to make any difference in the election.

The 8th U.S. Circuit Court of Appeals on Wednesday upheld U.S. District Judge Joseph Bataillon's dismissal of Prokop's lawsuit, in which Bataillon said Prokop didn't present a federal claim on which to rule.

The appeals court also upheld the lower court's dismissal of Prokop's request for an injunction to stop the collection of court-ordered payment in a related state case, in which a state judge ordered Prokop's bank accounts to be garnished because he failed to pay roughly \$3,600 in fines for violations stemming from his 2006 campaign. The commission had said in a court filing that penalties were assessed because a contribution statement and other paperwork were filed late.

Prokop's two previous federal lawsuits were dismissed for similar reasons. A lawsuit filed in state court was also thrown out.

Prokop has run unsuccessfully for the regent's seat several times since sitting on the board in the 1970s and 1980s. He lost in November 2006 to McClurg.

A public phone listing for Prokop, who represented himself in the lawsuit, could not be found.

The Nebraska Attorney General's office did not immediately respond to a request for comment on the Tuesday opinion.

**S.D. Gov. Calls Any Pipeline Legislation Premature**

PIERRE (AP) — Gov. Dennis Daugaard says pushing legislation next year to ensure South Dakota is protected from harm by a proposed oil pipeline from Canada to the U.S. Gulf Coast would be premature, but at least one state lawmaker is likely to introduce a bill.

Federal regulators are extending their review of TransCanada Corp.'s Keystone XL pipeline by more than a year to consider other routes, and TransCanada this week said it will make changes in the route to avoid environmentally sensitive areas in Nebraska.

Daugaard, who supports the pipeline, said he has regular talks with TransCanada officials aimed at ensuring the pipeline benefits South Dakota economically without harming the state's environment. He said given the recent developments, legislation during the 2012 session aimed at safeguarding the state would be premature.

"I want to make sure that South Dakota is as protected as any other state," he told the Rapid City Journal (<http://bit.ly/vTOFHI>). "Before we make any final decisions about what this means for South Dakota, we need to take time to collect all the facts."

State Rep. Don Kopp, R-Rapid City, unsuccessfully pushed legislation during the session earlier this year that would have required a \$30 million cleanup bond from TransCanada in case of environmental damage. He said he likely will introduce it again.

"The company has said they will clean up any environmental damage. And I believe they probably would," he said. "By the same token, it only takes some sense to know that we should have some kind of surety, some kind of protection."

The \$7 billion Keystone XL pipeline would carry up to 700,000 barrels of crude a day from Alberta's tar sands to Gulf Coast refineries.

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