

S. Falls To Help With Affordable Housing

SIoux FALLS (AP) — The city of Sioux Falls is contributing \$500,000 for affordable housing projects next year. Darrin Smith, director of community development, tells *The Argus Leader* that Sioux Falls is seeing an increasing need for affordable housing. More than 3,500 people are on the waiting list for rental assistance, and Smith says that prompted the city to tackle the issue of affordable housing. The city will make available \$500,000 for low-interest loans for housing projects. Smith says the city wants to provide a pool of money that avoids federal rules. He says that will allow the selection of the best projects without having federal strings attached.

Petitions Delivered In Insurance Measure

PIERRE (AP) — Supporters of a South Dakota ballot measure that would prohibit insurance companies from restricting their customers' choice of out-of-network health care providers have filed petition signatures seeking a public vote on the measure. KOTA-TV reports that backers of the proposal delivered 29,000 petition signatures to be checked by the secretary of state's office. They need 15,855 valid signatures to put the measure on the 2014 general election ballot. The proposed law would allow any health care provider to take part in an insurance company's network as long as the provider is willing to meet the company's terms and conditions and operates in the company's coverage area. Supporters say it would allow patients to choose their own doctors. Opponents say the measure could drive up health care costs.

Judge Denies Separate Trials In Case

SIoux FALLS (AP) — A South Dakota inmate accused of aiding in an attack on a prison guard has lost his bid to have a trial separate from another inmate charged in the case. Garrett Dumarce, 25, and Carlos Green, 28, are charged with aggravated assault on a law enforcement officer. Green is accused of attacking Zane Mathis from behind and breaking his jaw on April 20. Dumarce is accused of signaling to have Green's cell opened before the attack. Dumarce has said he didn't know what Green was planning to do. Dumarce's lawyer, Lindsay DeMatteo, said trying the two men together before the same jury would discourage Green from testifying about what really happened. Green told law enforcement officers in a videotaped interview that Dumarce had no knowledge of his plans to attack Mathis. "If they're kept together, Mr. Green cannot be required to testify against himself," DeMatteo said. But if the two men are tried separately, Green could not invoke his right against self-incrimination if called to testify in Dumarce's trial, she said. However, Circuit Judge Brad Zell denied the request for separate trials, *The Argus Leader* reported. Zell said there's no guarantee that Green would repeat the story he told to a law enforcement officer. He also said Green would not necessarily lose his right against self-incrimination in a separate trial. In addition, an argument of innocence, noninvolvement or minimal involvement is not enough to warrant a separate trial, the judge said. The trial is set to begin Nov. 30.

Nebraska

\$600,000 Sought To Defend Water Litigation

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — The Nebraska attorney general's office has spent nearly \$3.1 million in its legal fight with Kansas over the Republican River basin and is now asking lawmakers for another \$600,000, according to documents obtained by The Associated Press. The budget request, which will go to the 2014 Legislature, comes as the state prepares for oral arguments next year before the U.S. Supreme Court. The states are fighting over a series of water-augmentation projects designed to help Nebraska meet its obligation to Kansas under a water-sharing agreement. The dispute revolves around the Republican River Compact, an agreement signed by Nebraska, Kansas and Colorado. The 1943 compact allocates 49 percent of the river's water to Nebraska, 40 percent to Kansas and 11 percent to Colorado. Nebraska has faced lawsuits from Kansas in recent years for allegedly over-using its supply. Kansas is seeking more than \$72 million in damages, plus the shutdown of 325,000 acres of groundwater irrigation in Nebraska.

David Cookson, the chief deputy attorney general, said the state has spent nearly \$3.1 million over a seven-year period on the legal dispute. He said the additional funding was needed to pay for outside technical consultants and travel to the basin in southwest and south-central Nebraska. Without the funding, state attorneys can't adequately defend the state against Kansas' claim for damages or its demand that Nebraska halt its groundwater irrigation in the basin, Cookson said. "We're not going to shut down half of the irrigated acres in the basin," Cookson said. "That's billions, long-term, in economic activity in the state. We've been very successful, and in order to continue, we have to fund our efforts." Cookson said the office has worked to reduce costs by relying more on the state's in-house attorneys. In January, a special master appointed by the U.S. Supreme Court recommended that Nebraska pay \$5 million in damages for its use of the Republican River Basin — far less than the \$80 million demanded by Kansas. Kansas sued Nebraska over the Republican River in 1998. The two states settled the case five years later, with

Nebraska spending about \$11 million, but Kansas contends Nebraska violated the terms of the agreement. Water lawsuits among states are filed directly with the Supreme Court, which usually appoints a special master to review evidence and make recommendations to the justices. The Republican River rises in Colorado, crosses the northwestern tip of Kansas into Nebraska, and then runs through Nebraska before re-entering Kansas in its northeastern corner. In Kansas, it joins the Smoky Hill River to form the Kansas River. Nebraska lawmakers have formed a state task force to identify water conservation projects throughout the state. The chairman, state Sen. Tom Carlson, said lawmakers have not yet developed a list of projects but will have one ready by December. Sen. Mark Christensen, of Imperial, said the lawsuit to protect water rights was critical to basin farmers, who would otherwise have to rely on rainfall for their crops. Christensen, who represents basin farmers in the region, pointed to recent water-augmentation projects designed in the basin to help conserve water and keep Nebraska in compliance with the compact.

S.D. Works On Crime Victim Notification System


SIoux FALLS (AP) — A South Dakota advisory group is working to develop a more effective and efficient system for notifying crime victims of any change in the status of those who have hurt them. The 20-member task force, created by Attorney General Marty Jackley, has been meeting since June to develop an online program to offer victims quick notifications. The panel includes law enforcement officers, news organizations, prosecutors, victims and lawyers for defendants. The State Automated Victim Information and Notification System will alert victims of changes in an offender's status through phone calls, text messages or email.

South Dakota is one of three states that doesn't have an automated crime victim notification system. Financial barriers kept the state from adopting such a system in the past, but a \$790,000 budget is now in


place to get one developed and operating by July 15, 2015, Jackley told the *Argus Leader*. Jackley said he hopes SAVIN will benefit victims, defendants, witnesses and loved ones from the families

of both victims and those accused of crimes. While the public will be made more aware of information about offenders, confidential documents will be limited to parties involved in cases.

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