

Neb. AG Warns About Phone Scams

LINCOLN, Neb. (AP) — Nebraska's attorney general is warning residents about phone scams related to computer technical support.

Attorney General Jon Bruning says in a release Friday that his office has recently received multiple reports about individuals calling residents and falsely claiming to represent Microsoft Corp.

The individuals claim to be technical support professionals, and add that there's an imminent security threat to a personal or business computer. The caller then tries to get sensitive information stored on the computer.

Bruning says residents should never provide access to a personal or business computer to people they don't know.

Chief Seeks Distracted Driving Ban

RAPID CITY (AP) — Rapid City Police Chief Steve Allender says he wants the South Dakota Legislature to pass a state law banning all kinds of distracted driving, including texting while behind the wheel.

The Legislature this year passed a law prohibiting drivers younger than 16 from using cell phones while driving, but lawmakers have refused to pass a law banning all drivers from texting.

KOTA-TV reports that Allender hopes the 2014 Legislature will pass a bill that makes it illegal to text or do anything distracting behind the wheel. He says he's seen young people eating a bowl of cereal on the way to school, steering with their knees as they use both hands to eat.

Sen. Craig Tieszen of Rapid City says citizens want something done to counter distracted driving.

Man Pleads Not Guilty To Charges

PIERRE (AP) — An Eagle Butte man has pleaded not guilty to six charges resulting from a standoff with law enforcement officers in Pierre.

KCCR-AM reports that 27-year-old Jason Todd Garreau entered the not-guilty plea Friday during an arraignment in federal court in Pierre.

Garreau was indicted on four counts of assaulting, resisting and impeding federal officers, one count of possession of a firearm during a crime of violence and one count of being a felon in possession of a firearm.

The charges resulted from a nine-hour standoff on Oct. 31 in which a Pierre police officer was shot. Officials have said the officer was not seriously wounded.

Authorities say Garreau also was present when another man was shot to death during a shootout near Fort Thompson during a vehicle chase.

SD Police End Pursuit Of Driver

RAPID CITY (AP) — Officials say Rapid City police officers ended a slow-speed pursuit of a stolen car in the western South Dakota city when they realized the fleeing driver had a small child on her lap.

Rapid City Police Department spokeswoman Tarah Heupel tells the *Rapid City Journal* that the car was allegedly taken from the Rapid City Public Library on Thursday by a woman who was left in the car while her friend visited the library.

An officer spotted the car, but the driver refused to pull over, leading to a brief chase at speeds between 40 mph and 45 mph.

When the car ran a red light, the officer ended the chase after spotting the unrestrained child.

Officers say they have identified the suspect, and the investigation is ongoing.

Omaha, Firefighters May Be Near Deal

OMAHA, Neb. (AP) — The mayor and the Omaha firefighters union may be getting closer to a deal that would avert the layoffs of 19 firefighters on Jan. 4.

The office of Mayor Jean Stothert said Friday that she's accepted a counterproposal sent by the Omaha Professional Fire Fighters Association on Thursday night.

But the union said Friday morning that it had received a new offer from the mayor that contained additional conditions. Union President Steve LeClair said the mayor's offer is being considered.

Omaha started sending layoff notices to 19 firefighters Monday as a way to cut costs because the fire department is \$6.2 million over its 2013 budget.

Neb. Teen's Death Blamed On Fake Pot

WAVERLY, Neb. (AP) — Toxicology tests show an 18-year-old who was pronounced dead at the Waverly home of a friend died because he smoked too much synthetic marijuana.

The Lancaster County Sheriff's Office said Friday that tests also showed that William "Billy" Tucker had been drinking alcohol, but the pathologist didn't conclude that alcohol directly contributed to Tucker's death.

Tucker and three friends had gone to a Lincoln party on Oct. 12 and fell asleep there. Authorities say that around 8:30 the next morning, the four went to the Waverly home of one of them. Tucker was unresponsive when a 20-year-old woman tried to wake him that afternoon.

Tucker graduated from Ashland-Greenwood High School this past spring.

OBITUARIES

Cecil Harrington

Cecil Eugene Harrington, 83, of Vermillion died Wednesday, Nov. 6, 2013, at the Sanford USD Medical Center, Sioux Falls.

In compliance with his wishes, no services will be held.

Services have been entrusted to the Kober Funeral Home, Vermillion.

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Flooded Lands Access Set For Showdown

BY BOB MERCER
State Capitol Bureau

PIERRE — Neither side is ready to give yet on how much public access should be allowed on waters atop flooded private lands in South Dakota, members of the state Game, Fish and Parks Commission were told Friday.

The conflict "will be one of the biggest issues" in the 2014 session of the Legislature that opens in January, GFP Secretary Jeff Vonk said.

The South Dakota Supreme Court decided the matter is up to the Legislature to decide. The state House of Representatives approved a landowner-oriented measure in the 2013 session but the legislation was pulled in the Senate.

"It's not a northeast South Dakota problem. It's a South Dakota problem. The whole state is what we're talking about," commissioner Jim Spies of Waverly said. "This is a big deal. This is a huge issue."

The general policy is water is open to public use in South Dakota if public land touches it, such as a public boat

ramp or road right of way.

"It's hard to find a win-win," commissioner Barry Jensen of White River said.

Because of heavy snows and rains in the past decade, many sloughs have turned into lakes and many lakes have grown immensely, especially in the Glacial Lakes region.

The waters have expanded over private land whose owners pay property taxes but can't use the land and often can't control how the water is used above it. The waters now often reach township and county roads that can provide legal access.

GFP in recent decades stocked many of the lakes to improve fishing. Now those waters are much bigger and are attracting anglers from South Dakota and neighboring states when conditions are good.

"Tradition is that if you can get legal access to it, you can use it. There's a lot of flooded private land out there. That riles some folks up and that's where the conflict occurs," Vonk said.

Neither a landowners group nor the South Dakota Wildlife Federation has shown willingness to accept a

compromise that Vonk has offered.

He suggested letting property owners control waters smaller than 25 acres above private land and establishing an appeals process that would allow closing waters for safety, privacy or economic reasons.

"We don't know what the right number is. Maybe it's five, maybe it's 50, we don't know," he said. "What we have I doubt is going to be the final solution."

The Wildlife Federation is preparing. The organization received approval from the commission Thursday to purchase for \$100 the GFP mailing list of resident fishing-license holders.

Vonk said GFP officials will meet with the Ag Unity coalition of farm and ranch groups later this month. He said some legislators interested in the issue plan a meeting in early December.

"It's an issue, to be honest, where I don't see easy compromise. People are pretty dug in," Vonk said. "I don't think we're close to a remedy yet. I will tell you the legislators I've talked to are committed and want to get something done."

School District Loses Challenge

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. (AP) — An eastern Nebraska school district cannot reverse the transfer of several properties to the tax rolls of a neighboring school district, the Nebraska Supreme Court ruled Friday.

Friday's decision was the second time the high court looked at East Butler Public Schools' challenge after several residents transferred their land and property to the Wahoo school district for taxing purposes in a process called freeholding.

The property owners were given permission in 2010 by the Saunders County Freeholder Board to transfer their property, about the

same time the school district was formed by merging East Butler and Prague school districts.

Freeholding applies only to land in a K-12 district with 60 or fewer high school students. Land can be transferred only if another school district is within 15 miles and the landowner's district has voted to raise school taxes above a state-imposed cap.

The landowners argued they had met those requirements, but East Butler said the state approved its reorganization before the freehold petitions were approved. The merger saw the new district's high school enrollment jump to more than 100 students, and the new district did not exceed the state school tax

cap, making the land ineligible to be transferred to the Wahoo School District's tax rolls, district officials said.

East Butler's claim cited a law that says among separate equivalent proceedings related to the same subject matter, the one filed "prior in time is prior in jurisdiction."

East Butler officials had estimated that the transferred property was valued at over \$2 million, amounting to a loss of more than \$21,000 per year to the East Butler district.

Last year, the Nebraska Supreme Court reversed a lower court's decision that the school district had not filed a timely appeal, sending the case back to Saunders County District Court and giving East Butler hope that it might reverse the transfers

and recoup the lost tax revenue.

But the lower court again rejected East Butler's claims — upheld Friday by the Nebraska Supreme Court — saying the "prior in time" claim doesn't apply because the school merger and freehold petitions were not equivalent proceedings.

"We're glad that it's finally done," landowners' attorney Maureen Freeman-Caddy said. "We've been to the Nebraska Supreme Court twice now on this matter. This should be the end of it."

Rex Schultze, an attorney for the school district, did not immediately return a message Friday seeking comment.

Plan To Renovate Corn Palace Endorsed

MITCHELL (AP) — Mitchell's Historic Preservation Commission has unanimously endorsed a renovation plan for the Corn Palace tourist attraction.

The *Daily Republic* reports that the matter now goes to the South Dakota State Historic Preservation Office for its review.

Corn Palace Director Mark Schilling says the city does not need the state office's approval to go forward with the \$7 million project, but disapproval by the state office could make the project more difficult.

Schilling says the Corn Palace is a contributing structure to Mitchell's Historic Commercial District, which is on the National Register of Historic Places. The district's listing is what required the review process.

Code Talkers To Be Honored With Congressional Gold Medal Nov. 20

American Indians who sent coded messages to shield U.S. military communications from the enemy during World Wars I and II are being honored later this month at the nation's capital.

Several South Dakota and North Dakota tribes are among 33 tribes to be recognized as part of the Congressional Gold Medal ceremony in Washington, D.C., on Nov. 20, for the Native American code talkers, South Dakota's congressional delegation said in a statement.

Code talkers used their native language to send communications that enemies could not decode.

Toni Red Cloud, who lives on the Pine Ridge Indian Reservation in South Dakota, said her late father, Melvin, and late uncle, William, were code talkers. She's still learning details of their service to the country because they never talked about it in front of her or her sisters.

"It's an honor," she said Friday of her father and uncle being honored posthumously. "The whole family was patriotic. He (her father)

kept us respectful of the flag and the country that he served. That was just the way he raised us."

At least three other deceased Oglala Lakota code talkers from the reservation also will be recognized.

"It's a big honor, especially for the Lakota," Tribal President Bryan Brewer said. "The Navajo, they're real famous for their code talkers, but our story has always been kind of quiet. This is a once-in-a-lifetime deal for the families."

The Congressional Gold Medal is one of the highest honors bestowed by Congress.

"Drawing from their

ancient heritage, the code talkers helped transform modern history through a system that was as effective as it was ingenious," U.S. Rep. Kristi Noem said. "It is long overdue that we recognize the power and relief these code talkers brought our county and Allied forces."

Other South Dakota tribes being recognized are the Rosebud Sioux, Cheyenne River Sioux, Crow Creek Sioux, Lower Brule Sioux and Yankton Sioux. The Standing Rock Sioux and Sisseton Wahpeton Oyate, in South Dakota and North Dakota, also are being honored.

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