

Neb. To Face \$62.6M Budget Shortfall

LINCOLN, Neb. (AP) — Nebraska's tax revenue will grow at roughly an average pace over the next few years, but senators are still projected to face a \$62.6 million shortfall in their next two-year budget.

The legislative estimates were updated Friday after the Nebraska Economic Forecasting Advisory Board approved its newest revenue projections.

Board members predicted annual growth of about 5 percent, putting the state on course to collect about \$9 billion for that budget period.

Nebraska lawmakers are required to balance the state budget. Senators have signaled that they may use some revenue for prisons, a water settlement with Kansas and reimbursement to the federal government for child welfare services.

Gov. Dave Heineman has said lawmakers should limit state spending growth and focus on tax relief.

Millions Spent On Recyclable Waste

GRAND ISLAND, Neb. (AP) — A recent study finds that Nebraskans spent more than \$30 million in 2013 to get rid of about 885,000 tons of recyclable waste in landfills.

The waste could have been worth \$86.5 million had the materials been recycled, The Grand Island Independent reported. The study shows that it takes 10 people to recycle every 10,000 tons of waste compared to one person to dispose of it, meaning more recycling could create more jobs.

The report, funded by a Nebraska Department of Environmental Quality grant, is by the Joslyn Institute for Sustainable Communications, the Nebraska State Recycling Association and the University of Nebraska.

Lincoln's recycling coordinator, Gene Hunlon, said the study focused on reusable materials found around a home, including cardboard, aluminum, newspaper and plastics.

"Everybody has access to waste collection services in the state, but not everybody has access to recycling services," Hunlon said.

He said the goal of the study was "to try to get a better understanding of what is being recycled today, where we are at, and where are the gaps."

The study found that most rural areas in the state don't have access to recycling services.

"We have a long ways to go before we can say that we can recycle all that could be recycled," said Mark DeKraai of the University of Nebraska Public Policy Center.

Senate Hopeful's Lawsuit Dismissed

PIERRE (AP) — A federal judge has dismissed a lawsuit from former U.S. Senate candidate Clayton Walker.

Walker, who's been indicted on election law violations, sued to have his name place on the November ballot as an independent candidate.

Walker argued that South Dakota's petition requirements were unconstitutional and that the petition filing deadline of April was too early.

Walker was ordered held without bond in September. That bond was issued in June after he was indicted on charges of perjury and filing false election documents.

The 33-year-old also is accused of making repeated phone calls to several state offices threatening and harassing employees.

UN Medical Center Offers Ebola Course

OMAHA, Neb. (AP) — The University of Nebraska Medical Center and affiliated Nebraska Medicine clinics have launched a free online public education course on Ebola.

The medical center's chancellor Dr. Jeffrey Gold says it's important the public has access to accurate and trustworthy information based on facts and scientific evidence.

The course explains Ebola in easy to understand terms including signs and symptoms, how it is spread and coping with stress. It also explains how to talk with children during infectious disease outbreaks.

The course is available at unmc.edu/ebola and soon will be available through the iTunes Store, and the iTunes University app for iPad and iPhone users.

The medical center houses the Nebraska Biocontainment Unit, one of just four in the nation where two Ebola patients have been successfully treated and released.

Upcoming Director Changes Mind

MITCHELL (AP) — The man tabbed to be the next director of Mitchell's Corn Palace tourist attraction has withdrawn from consideration.

Mayor Ken Tracy told KORN radio and The Daily Republic that Steve Koch with Agile Manufacturing informed him Friday that he had changed his mind about taking the job.

"I told him that I would honor that request," Tracy said. "I'm not sure what was all involved in his decision."

A person who answered the phone at Agile Manufacturing on Friday said Koch was no longer with the company. A home listing for Koch was disconnected.

Tracy told The Daily Republic earlier this week that Koch had accepted the Corn Palace job, and the City Council was to make it official Monday.

Koch was to succeed Mark Schilling, who abruptly stepped down in March after 13 years as director. Tracy had asked Schilling to resign following a state audit that found several policies and procedures weren't being followed. Schilling told The Associated Press after he quit that he didn't think he had done anything wrong.

Neb. Deputy Faces Sex Assault Charge

PAPILLION, Neb. — A Nebraska sheriff's deputy faces a misdemeanor sexual assault charge for an alleged incident at a Papillion sports bar.

Sgt. Rick Wheeler of the Sarpy County sheriff's office is charged with one count of third-degree sexual assault.

The Cass County attorney's office alleges that Wheeler touched a woman in a sexual manner without her consent at Jerzes Sports Bar on Sept. 9. The sheriff's department became aware of the incident a few days later and launched an internal investigation.

Wheeler, a 26-year veteran of the department, has pleaded not guilty to the charge. A pretrial hearing is set for Nov. 21.

Wheeler was placed paid administrative leave. His attorney declined to comment.

Mobile Classroom Made Out Of Boxcar

OMAHA, Neb. (AP) — Union Pacific has converted a boxcar into a mobile classroom that it will use to help teach emergency responders about railroads.

The Omaha, Nebraska-based railroad says the boxcar classroom will join its fleet of training equipment it uses with emergency responders.

Union Pacific vice president Bob Grimaila says the classroom will make it possible to expand the number of classes offered each year.

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One Of Two Candidates For State's Lands-Office Quietly Ends Committee

BY BOB MERCER
State Capitol Bureau

PIERRE — The Libertarian candidate for the state office of school and public lands officially stopped his campaign finance activities but his name remains on South Dakota's Nov. 4 election ballot.

John English of Sioux Falls filed a termination report for his campaign committee on Sept. 13. He said Friday night that he wanted to serve but couldn't afford to continue the campaign.

English said his decision came when he faced the question of spending money for yard signs.

"It just wasn't in my budget and I didn't have the heart to ask friends and family," he said.

He hasn't withdrawn, however. That deadline passed in August.

"I'm running. I'd love to have to hold office," he said. "But it came down to dollars and cents."

English said he actually had to terminate his campaign twice. He said the South Dakota Secretary of State's office told him he still needed to file the pre-general campaign finance report that was due Oct. 24.

So English said he reopened his committee Friday, filed the pre-general report and then filed another termination report.

The shutdown of his campaign committee is significant because English is the only opponent to Republican candidate Ryan Brunner.

Brunner, who currently works in the state office, said English didn't tell him about the termination.

The chairman for the South Dakota Libertarian Party, Emmett Reistroffer, said he campaigned with English at the State Fair two months ago.

Reistroffer described English as "a little shy." He said English hadn't told him the reason for the termination.

"He's never ran for office before," Reistroffer said. "He did a hard run for the first half of the campaign and is just basically focusing on his own life from this point forward."

In his termination report English didn't show any income for his campaign and reported spending \$405.87 for advertising and postage. He paid the expenses.

Brunner said he spoke with English at the State Fair but they haven't talked to each other since then.

"I have continued to campaign, go to parades, and speak to groups, et cetera, as if he was still in the race," Brunner said.

One of English's ideas was that some of the leases held by agriculture producers on state-owned land be allowed to run out and the land could be sold at auction.

The cash from the sales could then be invested rather than relying on rental income from the land, he said.

The school and public lands office oversees approximately 2,800 grazing leases on 750,000 acres and mineral rights on approximately 5.2 million acres.

The office also has a \$170 million permanent fund.

Revenues from those operations and investments are distributed to state universities and public schools across South Dakota.

English said he probably would look at a county-level office if he runs again. He is a lawyer and has experience in real estate transactions but works as a landscaper and tree trimmer.

Long-time state official Vern Larson is serving as lands commissioner but didn't seek election.

The previous commissioner, Republican Jarrod Johnson, resigned Aug. 15, 2013, to return to his family's cattle operations at Corson.

Gov. Dennis Daugaard appointed Larson for the remainder of the term.

Brunner won the Republican nomination at the party's statewide convention in June.

Brunner reported raising \$11,891 since then and spent \$9,476.87, including \$3,927.95 for sign materials and \$1,532 for advertising.

He began the post-convention period with \$5,725.89 and had \$7,639.41 left at the close of the pre-election reporting period.

Secretary of State Jason Gant said any votes cast for English will be counted.

"If he receives the most votes he is the winner. His candidacy is not terminated. His campaign finance report is terminated," Gant said.

"The effect is that he is not raising or spending any money for his campaign," Gant said.

Johnson won the lands office in 2006 with 49.6 percent of the votes in a three-way contest. The Democratic incumbent, Bryce Healy, received 47.9 percent. Libertarian Jade Ager notched the remaining 2.5 percent.

Johnson won re-election in 2010 with 66.5 percent of the vote against Democratic challenger Bob Pille.

High Court Upholds Man's Life Sentence

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A Douglas County District judge was correct to deny a motion for freedom by a man convicted of first-degree murder for participating in the gruesome 2002 killing of Omaha restaurant manager during a robbery, the Nebraska Supreme Court ruled Friday.

Luis Fernando-Granados, 31, was also convicted in 2003 of a weapons count, and sentenced to life in prison for the death of Mindy Schriber. Authorities say Schriber, the manager of a Ruby Tuesday's restaurant, was stabbed 42 times and run over with a car as Fernando-Granados — a former employee at the restaurant — and an accomplice robbed the restaurant.

Prosecutors presented overwhelming evidence to convict Fernando-Granados, including the victim's DNA found at his home and on his personal belongings, her belongings found on Fernando-Granados and his own

confession to police.

Fernando-Granados' conviction and sentence were upheld on direct appeal in 2004. In 2012, he filed a motion for postconviction relief.

Such motions are filed once all other appeals have been exhausted. Postconviction relief claims rarely succeed, because prisoners must show that their constitutional rights were violated in a way so extreme that it renders their convictions void. The motions often claim that prisoners' defense lawyers did not effectively defend them.

In his motion, Fernando-Granados argued that his public defender was ineffective for failing to request an independent forensic expert, failing to object to some testimony and failing to introduce arguments that another man had motive and opportunity to kill Schriber. Fernando-Granados also argued that his appeal attorney should have presented arguments alleging prosecutorial misconduct and that authorities failed to advise him of his consular rights under the Vienna Convention.

Pardons Board Rejects Nebraska Inmate's Request

LINCOLN, Neb. (AP) — A Nebraska inmate who likely saved a guard's life while incarcerated will not have an opportunity to argue for his release.

The State Board of Pardons voted 3-0 on Thursday to deny a commutation hearing request by Ted Parsons, an ex-Air Force officer who's now 71. He was sentenced to life in prison for the 1986 fatal shooting of his girlfriend, Jill Garlock.

Garlock was a physical education teacher at Burke High School and had tried to break up with Parsons before the shooting, the Omaha World-Herald reported.

Parsons was in prison for five years before several other inmates trying to escape stabbed and a guard

and set him on fire. Parsons removed his shirt and helped put out the flames with the help of another inmate. He said at the time that his act didn't "offset" his crime, but that it was "meaningful to me."

Thursday marked the first time Parsons asked for a commutation hearing. In a handwritten note, Parsons wrote to the board that "the death resulted from an unusually, emotionally, severe argument and my losing it mentally."

"I regret it from the instant it happened," his note stated.

During their meeting, the board also rejected every commutation request from those convicted of first-degree murder and sentenced

Attorney Fees Denied In Dismissed EB-5 Lawsuit

BY BLAKE NICHOLSON
Associated Press

The South Dakota Board of Regents said Friday that a California arbitrator has denied its attempt to recover attorney fees and costs in a lawsuit related to the state's EB-5 investment-for-green card program.

The board said the ruling brings the case to a close, and it released legal documents in the case to the public, at www.sdbor.edu.

Arbitrator Robert Baines in early October dismissed the breach-of-contract lawsuit filed against the state in 2008 by California-based Darley International. The company once had an agreement to recruit investors in China for EB-5 projects in South Dakota. Baines ruled that a public business institute at Northern State University that ran the EB-5 program in South Dakota at the time was legally justified in ending the contract.

"After a positive resolution on the case's merits,

the Board of Regents earlier this month directed its attorneys to pursue recovery of attorney fees and costs," Jack Warner, Regents executive director and CEO, said in a statement. "The board felt strongly it should seek whatever reimbursement might be available to offset legal costs and expenses incurred by the state. However, the arbitrator has now denied all claims for recovery, which effectively closes out this case."

Warner said in an interview that the amount being sought was about \$510,000. The money came from the business institute and from a state litigation fund, he said.

The EB-5 program and the lawsuit have become a key political issue in the state over the past several months as the midterm elections near. Democrats have criticized former Republican Gov. Mike Rounds, who is running for the U.S. Senate and was governor at the time of the lawsuit, for his management of the visa program.

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