

## Task Force Recommends River Basin Councils To Deal With Drainage Regulation And Disputes

BY BOB MERCER

State Capitol Bureau

PIERRE — South Dakota would be organized into nine drainage basins, with councils of local residents elected to manage water issues in them, under a proposal that received unanimous approval from the Legislature's watershed task force Monday.

Currently, each of the 66 county commissions decides whether to regulate drainage. Most don't. Frequently disputes between landowners over damages were left unresolved or handled other ways, sometimes through lawsuits.

The task force's proposed solution calls for creating a new unit of elected government in South Dakota called "river basin natural resource districts" and every county would be in at least one. Some counties would be divided into multiple basins.

Each district's council would be required to have a water management plan ready by July 2017. Each council would have authority to levy a property tax up to 30 cents per \$1,000 of property value.

The task force will introduce the plan in the 2015 legislative session for consideration.

"It's been three years of working on this," Rep. Brian Gosch, R-Rapid City, said. He is the task force's chairman.

The task force had some difficulties early but ultimately came together, said

Sen. Jason Frerichs, D-Wilmot.

"I'm proud of the work product," Frerichs said.

The task force's members are almost entirely current or former legislators. Leading the subcommittee that developed the river basin concept was former Rep. Kim Vanneman, R-Ideal.

She acknowledged a big issue is whether large municipalities such as Sioux Falls will come to control some of the councils.

"We need those people too or my livelihood isn't going to be what it is today in agriculture," said Vanneman, whose family produces wheat. "Start with them in and see where it goes."

The river basin concept is "futuristic," said George Vandel of Pierre, a task force member and retired employee of the state Wildlife Division.

"I think this is terrific," Vandel said.

The task force also called for requiring landowners to publicly disclose their intentions before they proceed with drainage work.

The task force stopped short of recommending that drainage permits be required, however. The option would remain available if a river basin council wanted to adopt a permit system.

Former Sen. Paul Symens, D-Amherst, finessed the compromise that substituted mandatory disclosure for mandatory permitting.

Sen. Mike Vehle headed the subcommittee that worked on the mandatory-permitting issue. Vehle, R-Mitchell, said

he prefers the river basin councils and would seek permitting only if the council approach didn't move forward.

"Man, I'm excited," Vehle said. "This is a long-term solution."

He let the mandatory-permitting proposal die rather than formally seek its approval from the task force.

"I'm putting all my weight behind the other one," Vehle said.

Sen. Tom Hansen, R-Huron, and Rep. Steve Street, D-Revillo, sponsored the legislation in 2012 that created the task force. Neither remains in the Legislature.

The final version of the proposed legislation will be posted in the days ahead on the Legislative Research Council's website after LRC staff makes the final amendments.

### THE NINE RIVER DISTRICTS AS PROPOSED ARE:

- Red River and Little Minnesota River basin;
- Big Sioux River basin;
- Vermillion River basin;
- James River basin;
- Upper Missouri River Trench basin;
- Lower Missouri River Trench basin;
- Little Missouri River, Moreau River and Grand River basin;
- Belle Fourche River and Cheyenne River basin; and
- White River and Niobrara River basin.

## Authorities Identify Victims Of Sisseton Shooting

SISSETON (AP) — South Dakota Attorney General Marty Jackley on Monday identified the victims of a fatal shooting over the weekend in Sisseton, an Indian reservation town in the northeast corner of the state.

Jackley said Vernon Renville Jr., 31; Candace Labelle, 29; and Angela Adams, 25, were killed. All three were from Sisseton. The surviving victim, 22-year-old Karissa Dogeagle, also of Sisseton, remains in a hospital in Fargo, North Dakota, where she is being treated

for gunfire injuries.

Dogeagle's family has asked that Sanford Health does not release any information about her condition. A Sisseton hospital where Dogeagle was initially treated described her condition on Saturday as stable.

The attack happened early Saturday in Sisseton, a town on the Lake Traverse Indian Reservation. Jackley has identified the suspected shooter as 22-year-old Colter Richard Arbach, who authorities believe then shot and killed himself. Authorities have not said whether

Arbach knew the victims.

Arbach's body was found among the dead after authorities initially thought he may have fled.

Jackley's spokeswoman, Sara Rabern, on Monday said details of the shooting, including the motive, aren't expected to be released soon. Autopsies are still being conducted.

"Investigators continue to work diligently to sort out all the remaining questions of this heartbreaking incident," Jackley said in a statement.

The funeral arrangements for the victims have been

scheduled for Wednesday and Thursday. Labell's funeral will be Wednesday at 2 p.m. at the Sisseton Wahpeton Oyate Community Center. Wakes are scheduled for 7 p.m. Monday and Tuesday at the same location.

The services for Renville and Adams are being held in conjunction at the auditorium of the Sisseton Wahpeton College. An all-night wake will begin at 6 p.m. Tuesday and will run through Thursday until the funeral for Adams takes place at 10 a.m. and Renville's at noon.

### Medical Marijuana Supporters Lay Out Strategy

SIoux FALLS (AP) — A citizen initiative for a general election ballot measure in two years is likely the best avenue to make marijuana a legal medical drug in South Dakota, the effort's leader says.

The fact that 2016 is a presidential election year will mean a higher voter turnout, and a better chance of success, Emmett Reistroffer said during a conference of medical marijuana supporters in Sioux Falls, the *Argus Leader* reported.

Reistroffer said he does not think a bill will pass, but the effort "builds momentum" for a petition drive next spring to get the approximately 30,000 signatures necessary to bring the matter to voters in 2016.

Nearly two dozen states and the District of Columbia allow the use of marijuana for medical treatment, but it is still an illegal drug under federal law.

The American Medical Association does not endorse the use of marijuana to treat medical conditions, though it does call for studies to determine if marijuana or its compounds have legitimate medical uses that should prompt the federal government to reclassify marijuana.

## Researchers At Sanford Facility Take On Dark Matter Search, Again

BY JAMES NORD

Associated Press

LEAD — Scientists working nearly a mile underground in an abandoned gold mine in Lead are trying again to find an elusive substance known as dark matter — and fill a hole in humanity's basic understanding of the universe.

A researcher said Friday that investigators expect to decide in the coming weeks the official start date of an expanded second-round experiment searching for dark matter. Their search is based at the Sanford Underground Research Facility, which was built in the former Homestake gold mine in South Dakota's Black Hills. Findings from the initial experiment — released in October 2013 — came up empty, but researchers vowed then to keep at one of the most important quests in physics.

Scientists are pretty sure dark matter exists, but they are not certain what it is made of or how it interacts with ordinary matter. It is considered vital to scientific theories explaining how the universe is expanding and how galaxies move and interact.

Simon Fiorucci is a Brown University scientist working on the Large Underground Xenon experiment, or LUX, which scientists have said is the most advanced Earth-based search for dark matter. He said the results of the new experiment would likely come in 2016.

With more than 4,800 feet of earth at

the Homestake gold mine helping screen out background radiation, scientists attempt to trap dark matter, which they hope will be revealed in the form of weakly interacting massive particles, nicknamed WIMPS. The search, using the most sensitive equipment in the world, is looking for the light fingerprint of a WIMP bouncing off an atomic nucleus of xenon cooled to minus 150 degrees.

Researchers aim to increase the effectiveness of the experiment by stretching the exposure time. They want data collected over nearly a year for the next round of results. That's compared to roughly three months for the results released last year.

The scientists have been collecting data since the summer. In the next few weeks, they'll decide how much of that data to use, and with it, the official start date of the experiment, Fiorucci said.

After last year's experiment, LUX scientists spent several months taking additional calibration data and made technical improvements to the detector, Fiorucci said. He said the goal is to fill in humanity's fundamental understanding of the universe.

"We can't really even ... completely wrap our minds around what exactly it means at a fundamental level of collective knowledge to get to that point and actually figure out the nature of (dark matter)," Simon said, adding with a laugh, "But, that's what they make Nobel prizes for."

## Neb. Prison Employees Won't Face Charges

BY GRANT SCHULTE

Associated Press

LINCOLN, Neb. — None of the state employees who were blamed for the early release of hundreds of Nebraska prisoners will face criminal charges, Attorney General Jon Bruning said Monday.

Bruning and Lancaster County Attorney Joe Kelly announced the decision as they released the findings of separate investigations into the Department of Correctional Services.

Bruning and Gov. Dave Heineman called for the investigations following news that department officials failed to follow at least two Nebraska Supreme Court decisions that outlined the correct way to calculate sentences. As a result, hundreds of inmates were released early.

State officials looked at charging some current and past employees with official misconduct or obstructing government operations, both misdemeanors. After reviewing the investigations and listening to several of the employees testify at legislative hearings, Bruning said he concluded that prosecutors wouldn't have enough to make a case.

"It seemed to me to be very clear that these were lazy bureaucrats, disinterested in doing their jobs — which is not criminal," Bruning said. "It's certainly not good for the state."

Bruning pointed to George Green, the department's top attorney, who resigned in August under threat of being fired. Green later told a committee that he never read a Nebraska Supreme Court opinion that outlined the correct way to calculate sentences.

Bruning said he didn't believe prosecutors could prove that Green had read the opinion and intentionally ignored it.

"It wouldn't bother me from a moral standpoint if we were able to (file charges)," Bruning said. "I went into this with an open mind, but certainly not opposed to filing the charges. But the reality is, when you can't make the case, you can't make the case."

Kelly said state law and regulations didn't specify the duties of the employees who were investigated, making it difficult to determine whether they had broken any laws.

"It was very difficult then, and perhaps even today, to tell who was in charge of what," he said.

Kelly said he didn't want to name specific individuals who could have faced charges, but he acknowledged under questioning that the list included many of the people whose names have become public.

A September report by a hired Lincoln law firm, Jackson Lewis, placed most of the blame on Green. Also faulted were records administrator Kyle Poppert, who was suspended; department attorney Sharon Lindgren, who retired rather than be fired; and attorney Kathy Blum, who was suspended. Former records manager Jeannene Douglass was also found responsible. She retired before the scandal broke.

The report concluded prisons director Michael Kenney and former director Bob Houston were not culpable.

The miscalculations were first uncovered by the Omaha World-Herald, which reported that the Department of Correctional Services had been incorrectly calculating sentences for nearly 20 years.

Bruning said Monday he is confident the department had reviewed and corrected all of the erroneous sentences. But Bruning, who leaves office in January, said state officials should invest in computer technology to help automate the sentence calculations.

Kelly said state officials still rely on hand-written calculations that were in place when he took office in the 1980s.

### Senator-Elect Looks At Tuition Program

LINCOLN, Neb. (AP) — A senator-elect says he'll introduce legislation to study how a tuition payback program catching on in other states might work in Nebraska.

The program known as Pay It Forward allows students to enroll in college without paying tuition costs up front. The *Lincoln Journal Star* reports that instead, they agree to pay back a fixed percentage of their future income over at least 20 years.

The Economic Opportunity Institute says at least 25 states introduced some kind of Pay It Forward legislation in 2013 and 2014.

Earlier this month, Nebraska state Sen.-elect Adam Morfeld won election to the Legislature to represent northeast Lincoln. The 29-year-old attorney says in January, he'll introduce the legislation to study the program.

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