

## 2010 Legal and Public Notices

## RECORDED IN BOOK G, PAGE 6

Will be sold to redemption as provided by law as one parcel of land at public auction, subject to easements and restrictions of record, if any to the highest bidder for cash under the direction of the Sheriff of Yankton County, South Dakota, at the front door of the Yankton County Courthouse, 410 Walnut Street, Yankton, South Dakota on the 15<sup>th</sup> day of December, 2015, commencing at the hour of 10:00 AM (CDT).

Dated this 2<sup>nd</sup> day of November, 2015.

/s/:

James C. Vlahakis,  
Sheriff of Yankton  
County, South  
Dakota

Robert W. Klimisch  
Yankton County States Attorney  
410 Walnut Street, Ste. 100  
Yankton, SD 57078

## University Of Nebraska Faculty Oppose Ending Gun-Free Zones

LINCOLN, Neb. (AP) — The University of Nebraska-Lincoln's faculty leadership is opposing a state senator's proposal to eliminate gun-free zones on college campuses.

The *Lincoln Journal Star* reports the Faculty Senate said Tuesday that state Sen. Tommy Garrett's proposal would undermine the ability of institutions to determine their own policies for campus safety.

Garrett has said a Nebraska law prohibiting guns in schools, churches, hospitals, banks, sporting events and on college campuses places more people in danger and should be lifted.

Faculty Senate President John Bender said he plans to testify against the proposal during the state's upcoming legislative session with a resolution from faculty stating the presence of firearms, except those in the possession of law enforcement, interferes with the ability of faculty to teach and perform research, and students to learn.

Nebraska is one of 19 states that prohibit carrying concealed weapons on college campuses.

Bender, who is also a professor in university's College of Journalism and Mass Communications, said the Faculty Senate feels the proposal is

"genuinely a bad idea."

David Steffen, a professor in the School of Veterinary Medicine and Biomedical Sciences, said the faculty should not create a battle about gun ownership. He drafted a second resolution that clarifying the faculty's stance that the school should keep its freedom to put policies in place that they feel enhance the safety of the institution and reflect institutional needs.

Steffen said, "It should be, our campus has a policy that works for us, (the University of Nebraska at) Kearney can have a policy that works for them, high schools can have policies that work for them."

## Thune, Noem Question Rapid City Site For Counseling Center

BY REGINA GARCIA CANO  
Associated Press

SIoux FALLS — The two most senior members of South Dakota's congressional delegation are questioning the location of a proposed counseling center in the wake of a string of suicides among Indian communities around the state.

U.S. Sen. John Thune and U.S. Rep. Kristi Noem raised their concerns Thursday in a letter to Health Secretary Sylvia Burwell, asking why the planned intensive behavioral health unit was set to be built in Rapid City, dozens of miles away from the people living on western South Dakota reservations that the center is supposed to help.

The Indian Health Service, which is responsible for providing federal health services to American Indians,

intends to spend nearly \$2 million to build the intensive behavioral health unit to help individuals contemplating suicide.

"While we are encouraged by this news, we are concerned about the agency's plans, particularly its decision to place the new facility at the Rapid City Service Unit," the lawmakers wrote in the letter that requests a series of answers by Dec. 1. "... We worry that, by placing the facility so far from the reservations, IHS may not fully grasp the urgent nature of this crisis," the letter continues.

The proposed center comes as the Pine Ridge Indian Reservation — home to about 35,000 people — continues to grapple with a wave of suicides. Fifteen people have killed themselves there since December. The youngest to die was 12 and

the oldest 24.

A trip to Rapid City can be longer than 170 miles from some communities on the reservation, and not all tribal members — almost half of whom live below the federal poverty line — have a way to get to there.

"Given the limited resources our tribal members often have for transportation, will IHS be responsible to transport patients to the facility in Rapid City, and back to their homes?" the lawmakers wrote. They also asked for details about how HIS has responded to the increase in suicides, including specific examples of how the agency has ensured that those in need of assistance received it.

The U.S. Department of Health and Human Services on Thursday confirmed it received the letter and plans to respond to the congressional correspondence.

"IHS is committed to

working with the Tribe to address this heart-breaking problem," the agency said in a statement. IHS said it "has increased its capacity to treat behavioral health issues on Pine Ridge Reservation" and is working with the Oglala Sioux Tribe, other agencies and national experts "to provide a comprehensive public health response."

Thune and Noem traveled to Pine Ridge in October and met with students, law enforcement, tribal leaders and others.

"(Young people) told me stories about friends and loved ones who had taken their own lives — and some explained they had tried to do the same," Noem said in a statement. "I recognize there are no words to wipe away the pain these kids have had to experience, but I'm committed to working with these young people and tribal leaders to pave a more hopeful future for them."

## Nebraska Birth Forms To List Same-Sex Spouses

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — The Nebraska Department of Health and Human Services has quietly changed state policy and plans to list the names of both same-sex spouses on their children's birth certificates, although it has not revealed how that change will look.

The change was disclosed in court documents filed Tuesday by state attorneys in a lawsuit filed on behalf of several same-sex couples last year challenging Nebraska's ban on gay marriage. The U.S. Supreme Court effectively legalized gay marriage nationwide in June, but the couples and the American Civil Liberties Union are pushing

a Nebraska judge to officially strike down the state ban.

HHS spokeswoman Leah Bucco-White on Thursday confirmed that the agency has begun the process to list both a child's biological parent and the parent's same-sex spouse on the child's birth certificate. Until the process is complete, the state's current birth certificate form — which does not include a place for same-sex spouses — will be used, Bucco-White said.

ACLU Nebraska legal director Amy Miller said she was concerned about how same-sex spouses would be listed on state birth certificates. She said her office has received calls from family attorneys in the last two weeks who were told birth certificates issued

to same-sex parents will list the non-biological parent as "friend."

Bucco-White said the form would not use the term "friend," but she declined to say how it might be worded.

State officials initially fought changing birth certificate forms, arguing that complaints about birth certificates came from couples who weren't part of the original lawsuit. That objection was dismissed last month by U.S. District Judge Joseph Bataillon, who ruled that the original allegations that the ban denied various marriage rights and responsibilities "can be construed as encompassing the birth-certificate issue."

Bataillon ordered the state and ACLU to submit argu-

ments about whether the state should be forced — though a court injunction — to include the names of both same-sex spouses on Nebraska birth certificates.

But the state's response, filed Tuesday, said the injunction was no longer necessary because Health and Human Services officials promised to make the change.

Miller said a promise isn't enough and that the ACLU wants an injunction.

"If they have decided to start listing 'parent' and 'parent' with equal dignity, that's great," Miller said. "It does not change the fact that this case needs a ruling from the judge, and the state's efforts to avoid a ruling are really inexplicable."

### Tribes Considers Marijuana Operations

MACY, Neb. (AP) — Leaders of the Omaha Tribe in Nebraska are considering land in western Iowa for growing marijuana.

The *Sioux City Journal* reports tribal members approved three referendums Tuesday giving the Tribal Council the authority to legalize marijuana for medicinal and recreational use and to grow plants for industrial hemp.

The tribe is based in northeast Nebraska, but its reservation extends into Iowa's Monona County. The Omaha Tribe has operated a casino near Onawa, Iowa, since the early 1990s.

Tribal Chairman Vernon Miller said a study will examine whether the business would make financial sense.

Miller said the results of Tuesday's vote showed the changing attitudes about marijuana among tribal members, half of which he said are under the age of 28.

"We were optimistic about how the vote would turn out just because of the progressiveness of the younger generation of our tribal members," the chairman said.

According to Wehnona Stabler, CEO of the Carl T. Curtis Health Education Center in Macy, the tribe would benefit from medical marijuana as an alternative treatment for cancer, diabetes, epilepsy and post-traumatic stress disorder. Stabler said, "Western medicine that we promote now is not ours. This was forced on us by the government — the Indian Health Service and the Bureau of Indian Affairs."

According to Stabler, the tribe also has an abundance of hemp that grows wild on its Omaha reservation that can be used.

Miller says leaders will closely watch the performance of the Flandreau Santee Sioux's marijuana resort on its reservation in South Dakota, about 45 miles north of Sioux Falls. Miller says it's too early to know whether the Omaha Tribe's casino, Blackbird Bend, could expand into a similar resort.

Miller says the tribe will work to ensure that any proposed plan would not violate federal or state laws by talking with law enforcement agencies and attorneys in Iowa and Nebraska as the tribe deliberates plans.

### New Raptor Found In South Dakota

LAWRENCE, Kan. (AP) — A dinosaur fossil found in South Dakota's Hell Creek Formation has led to the discovery of a new giant raptor.

The *Lawrence Journal World* reports that a research team that includes University of Kansas paleontologists named the estimated 17-foot-long feathered creature a *Dakotaraptor*.

According to a news release from the university, the raptor hails from the Cretaceous period and would have been lightly built and probably as agile as the vicious *Velociraptor*.

The fossil was discovered on Monday. It's being researched and curated in Florida by a research team led by Robert DePalma of the Palm Beach Museum of Natural History.

### Wind Cave Park Completes Documents

WIND CAVE NATIONAL PARK (AP) — Wind Cave National Park has completed two planning documents needed to move forward with opening of an additional 5,000 acres of park space.

National Park Service Midwest Regional Director Cam Sholly says the documents will allow the park to open the 5,556-acre Casey Addition, which is located along the park's former southern boundary. The property was acquired in 2011.

The Zoning Management Plan defines allowable types and general intensities of uses, activities and development associated with public enjoyment and use at specified locations throughout the entire park.

The Visitor Use Plan calls for access into the new property along 266th Street and the construction of a gravel parking area near the Sanson Ranch buildings.

### Man Accused Of Stealing Flag Put On Leave

PIERRE (AP) — A former employee in South Dakota's secretary of state's office accused of stealing a century-old state flag has been put on leave by the Republican firm for which he works.

Garrett DeVries, 26, has been working for Arlington, Virginia-based America Rising LLC, an affiliate of the America Rising PAC that raises money for GOP causes. America Rising does opposition research on Democratic candidates and sells it to Republican clients.

DeVries is on leave pending the outcome of his Nov. 23 appearance in state court in Pierre on a theft charge, company spokesman Jeff Bechdel told the *Capital Journal*. In a statement of probable cause, an investigator said DeVries had admitted taking the flag because he thought it was "cool."

## Nebraska Corrections Leader Criticized Over Execution Drugs

BY GRANT SCHULTE  
Associated Press

LINCOLN, Neb. — Nebraska's corrections director faced blistering criticism Thursday for spending more than \$54,000 on foreign-made lethal injection drugs the state hasn't received because the federal government says their import is illegal.

Members of a legislative oversight committee grilled Nebraska Department of Correctional Services Director Scott Frakes over the purchase, saying he approved the prepayment without following typical procedures or taking steps to ensure the state could recover the money.

Frakes' testimony during a wide-ranging hearing on the troubled state prison system offered new details about Nebraska's efforts to obtain execution drugs amid a nationwide shortage.

The corrections director agreed to buy sodium thiopental and pancuronium bromide from Chris Harris, a distributor in India who contacted him in April, as lawmakers were debating whether to abolish the death penalty. Both drugs are required in Nebraska's three-drug lethal injection protocol.

Lawmakers repeatedly questioned Frakes about whom he consulted before making the purchase, and whether he spoke with Gov. Pete Ricketts. Frakes responded by saying he couldn't remember whether

the governor or others were in meetings during which the drugs were discussed.

The drugs were never delivered because the U.S. Food and Drug Administration has said their import is illegal. Attempts to ship the drugs in August via FedEx were thwarted because the transport company said it lacked the required paperwork required to travel internationally.

Sen. Heath Mello of Omaha said he was concerned that the state had no way to recoup the tax money paid to Harris.

"I'm not trying to get you to say that you're never going to get the drugs," Mello told Frakes. "I know you're never going to get those drugs."

Frakes told lawmakers that he spoke with Harris last week and was waiting for him to complete the necessary paperwork and registration to try shipping the drugs again.

Sen. Paul Schumacher of Columbus said the hearing marked a "sad day" because lawmakers had supported Frakes after Ricketts appointed him in January. Two previous corrections directors left their positions amid criticism that the department was mismanaged.

"We thought you were going to be a breath of fresh air that we could trust," he said, adding later: "I'd bet you that no one in this room believes you."

Ricketts, who supports capital punishment, announced the purchase of

the drugs shortly before lawmakers abolished the death penalty in May despite his veto. Death penalty supporters responded with a statewide petition drive that successfully suspended the repeal law until voters decide whether to keep the punishment in November 2016.

Nebraska officials bought the drugs from Harris, who also sold execution drugs to the state in 2010. The drugs' manufacturer later accused Harris of misrepresenting how he intended to use them, and legal challenges prevented the state from using that batch of drugs before it expired.

The latest drug batch was bought without a request for proposals, a standard practice the state uses to buy goods and services. Frakes said one of his deputies consulted with the Department of Administrative Services — which oversees state purchases — and told him the purchase was allowed.

He acknowledged under questioning that he allowed Harris to dictate the price and quantity of both drugs. Nebraska spent \$26,700 for 1,000 doses of sodium thiopental and \$26,000 for 1,000 doses of pancuronium bromide, despite having only 10 men currently on death row. Nebraska's last execution was in 1997, using the electric chair.

"The decision was made because the seller, the vendor, said those are the terms," Frakes said in testimony to the committee.

Nominate

## The 2015 Yankton Citizen Of The Year

Nomination Deadline: Monday, November 30

Please Mail Your Nominations To:

Citizen Of The Year  
Yankton Press & Dakotan  
319 Walnut, Yankton, SD 57078  
or visit [www.yankton.net/coy](http://www.yankton.net/coy)

My nomination for the 2015 Citizen of the Year is:

\_\_\_\_\_

This person should be the Citizen of the Year because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

My Name: \_\_\_\_\_

My Address: \_\_\_\_\_

My Phone Number: \_\_\_\_\_

YANKTON DAILY  

# PRESS & DAKOTAN