

S.D. Changes Lethal Injection Policy

SIoux FALLS (AP) — The South Dakota Department of Corrections has changed its execution policy to include a one- or two-drug option.

The state had been using a three-drug protocol in executions, which will still be available.

The new one-drug protocol includes the option to use either pentobarbital or sodium thiopental alone to carry out an execution.

Corrections Secretary Denny Kaemingk signed off on the change Wednesday.

Earlier this month, Attorney General Marty Jackley said the state was considering moving to a one- or two-drug option after the U.S. Drug Enforcement Agency voiced concerns over its importation and use of sodium thiopental from a company based in Mumbai, India.

Sodium thiopental is no longer manufactured in the United States and is in short supply worldwide.

Iowa's Highway 2 To Reopen Monday

NEBRASKA CITY, Neb. (AP) — A main highway that connects Nebraska and Iowa is scheduled to reopen next week after being closed by the flooding on the Missouri River.

KETV-TV reported (<http://bit.ly/ohbKNG>) that Iowa Highway 2 between Nebraska City and Fremont County, Iowa, is scheduled to open at 4 p.m. Monday.

The entrance and exit ramps connecting the highway to Interstate 29 also will reopen.

Iowa transportation officials say traffic on Iowa Highway 2 will be limited to two-way traffic on the eastbound lanes. The westbound lanes will remain closed.

Airline Interested In Pierre-Minneapolis Route

PIERRE (AP) — Great Lakes Airlines is expressing interest in taking over a Pierre-to-Minneapolis flight that Delta Airlines is discontinuing.

Great Lakes currently provides service between South Dakota's capital city and Denver. CEO Chuck Howell tells the *Capital Journal* (<http://bit.ly/nmHSQr>) that officials are still determining whether a Minneapolis flight would be feasible.

Delta is ending the Pierre-Minneapolis flight on Nov. 20. The airline cites a drop in passengers as a reason. City officials say the flight is important to businesses, residents and state government, and they've hired a consulting company to pitch the route to various airlines.

Great Lakes announced earlier this week that it's adding a third daily flight from Pierre to Denver beginning on Nov. 21.

S.D. Man Killed After Stopping To Help At Crash

SIoux FALLS (AP) — A South Dakota man who stopped to help after witnessing a crash along Interstate 29 was killed when another car struck him.

Authorities say 57-year-old Gerald Roth, of Jefferson, pulled over on Interstate 29 Thursday night near the Iowa state line to warn other drivers of the crash. When he stepped into the road, he was struck and killed.

Officials say two people involved in the original crash have serious injuries, but they are expected to recover.

KELO reports (<http://bit.ly/qt7MuY>) that no charges have been brought.

Everyone involved was wearing a seat belt.

Police Investigate Theft Of Bearded Dragons

LINCOLN, Neb. (AP) — Police in Lincoln are trying to solve the theft of two dragons from a Lincoln home.

KOLN-TV is reporting (<http://bit.ly/qHCJdA>) the theft happened Thursday afternoon. They say the victim says she left her door unlocked.

Taken in the burglary were two adult bearded dragons, which are valued at about \$500.

Police say a gaming console also was taken.

Police: Neb. Man Poses As Coach To Get Money

BELLEVUE, Neb. (AP) — Bellevue police have arrested a man accused of posing as a coach to try to get money from a local business.

Omaha television station KETV (<http://bit.ly/pDvztk>) says officers arrested the 51-year-old man Thursday on suspicion of theft by deception after a Bellevue business called police.

The business says the man told the business he needed sponsors for a girls' basketball team he coaches. The business looked up the man online and found a 2006 news article in which the man was arrested for pulling a similar scam.

The man was arrested Thursday morning when he returned to the business to pick up a check for \$140.

Omaha Driver Shot In Arm

OMAHA, Neb. (AP) — Police in Omaha are investigating an early morning shooting of a man while he was stopped at a traffic light.

KETV-TV reported (<http://bit.ly/qC0DuD>) the 26-year-old man was stopped at a traffic light about 5:15 a.m. Friday when an older, dark-colored vehicle came up behind him and starting shooting at his vehicle.

The victim was shot in the arm and taken to an Omaha hospital where he was expected to recover.

No arrests have been made.

S.D. Redistricting Fight To Focus On Aberdeen

BY CHET BROKAW
Associated Press

PIERRE — When the South Dakota Legislature meets for a special session next week to redraw the boundaries of the state's 35 legislative districts, debate is expected to focus on three districts in the northeastern corner of the state.

Assistant House Minority Leader Mitch Fargen, R-Flandreau, said the plan proposed by the majority Republicans was clearly drawn up to erode the Democrats' power in the Legislature. Among the changes it would make would be putting five incumbent Democrats into a single district that can only elect three legislators — a senator and two representatives.

"It's politics, and that's how we play it," Fargen said Friday.

House Speaker Val Rausch, R-Big Stone City, who heads the Republican-dominated committee that proposed the redistricting map, denies the allegations that the map was drawn to favor his party. He said the committee decided on the new boundaries because they made sense, and that the plan for the northeastern South Dakota area, which includes Aberdeen, was not designed to put

five Democratic incumbents into one district. It just happened by chance.

"I did not put pins in the map and figure out where people lived and try to draw a line accordingly," Rausch said.

Rausch can't seek re-election in the House because he has reached his term limit, and he'd have to run for the Senate to remain in the Legislature. He said the redistricting proposal puts him in the same district as a Republican incumbent senator, setting up a possible primary.

"I couldn't manipulate anything to get myself immune from it. So they can't cry too much at me because I'm in the same boat," Rausch said.

The Legislature must redraw the boundaries of legislative districts every decade to reflect population changes reported by the census. The ideal district would contain 23,262 people, but courts have said each district can vary by 5 percent above or below that number.

Republicans now hold a 30-5 edge over Democrats in the Senate and a 50-19 advantage in the House, which also has one independent.

The committee that proposed the redistricting plan held hearings throughout the

summer and fall, and it will hold a final hearing at 8:30 a.m. Monday to get last-minute comments from the public. The special session will start at 10 a.m., with the redistricting bill going first to the House and then to the Senate.

Lawmakers also will consider a plan to redraw the boundaries of the districts for the state's five Supreme Court justices, but that plan has drawn little attention.

Fargen said he hopes the Legislature will consider substantial changes to the legislative redistricting map in the Aberdeen and Sioux Falls areas, but he doubts the Republican majority will do so.

"The rest of the map I'm happy with," Fargen said.

Rausch said lawmakers might make small changes, mostly moving a precinct or two, but he expects no major changes to the proposed map.

Each district elects one senator and two House members at large, except for two Senate districts that are split into two House districts, each of which elects its own House member. Those single-member House districts were created to give American Indian voters a better chance to elect candidates of their choice.

Neb. Tribe Asks Supreme Court To Review Lawsuit

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — A Nebraska-based American Indian tribe has asked the U.S. Supreme Court to review whether the tribe's sovereign immunity protects it from a construction company's lawsuit over unpaid bills.

Ben Thompson, an attorney for the Omaha Tribe of Nebraska, said he believes the case could have consequences for other tribes in the state and nation.

The Nebraska Supreme Court ruled in March that the lawsuit by StoreVisions Inc. could proceed in Thurston County District Court.

The Omaha-based building contractor sued the tribe in October 2009, alleging that tribal authorities hadn't paid the company for construction work it did on a casino, racetrack and other facilities.

The tribal chairman and vice chairman had signed an agreement with the company waiving their sovereign immunity from lawsuits. But Thompson argued that the two officials didn't have the authority to waive those rights, because that power is not specified in the tribe's constitution and bylaws.

Thompson, whose practice is based in Omaha, said the state Supreme Court ruling could allow lone officials to waive their tribe's sovereignty without full council approval. Nebraska has four recognized American Indian tribes: The Omaha, Ponca, Winnebago and Santee Sioux.

"There are four tribes in Nebraska now that have to worry about what individual tribal officials are doing behind their back," Thompson said Friday.

The Macy-based tribe had asked the high court to throw out the case, arguing that it is immune

from lawsuits because the federal government has granted American Indian tribes sovereign immunity.

"There is no dispute that the tribe is a separate sovereign and generally entitled to immunity from suit," the high court said in the opinion. "Nor is there any dispute that this immunity exists unless limited by Congress or waived by the tribe."

However, the court continued, StoreVisions had reason to believe the tribal chairman and vice chairman had authority to sign the waiver. The two officials had approved the contracts, and the waiver was signed at tribal headquarters in the presence of several members of the tribal council, the court said.

In July, the Nebraska Supreme Court amended its ruling to note that the two tribal officials signed a separate sovereignty waiver in addition to the contracts, in the

presence of three other council members.

The tribe had hired StoreVisions to complete 11 building projects since April 2008, according to the copies of the agreements filed in district court. Those projects included work on the tribe's casinos, racetrack, convenience store, sports complex and RV park. Copies of StoreVisions' work estimates filed in district court indicate the contracts were worth more than \$690,000.

Attorneys have declined to specify how much was unpaid because the case has not been resolved. Tribal leaders have conceded that past mismanagement left the tribe with a high debt load, unpaid bills and back taxes.

The state court decisions against the tribe relied partly on a Colorado Court of Appeals ruling in a similar case with the Ute Indian Tribe.

Daugaard Policy On Hunting Checks Draws Criticism

RAPID CITY (AP) — Gov. Dennis Daugaard's policy directive limiting access to private property for state conservation officers has angered critics in the sporting community and surprised members of the Game, Fish and Parks Commission, the commission's chairman said.

Chairman Jeff Olson said members weren't consulted when Daugaard staffers and upper-level Game, Fish and Parks officials developed the directive. He said he wasn't aware of it until he read it in the *Rapid City Journal* on Wednesday.

"Since we were not included in the discussion, there is not much I can say," Olson said in a Friday report in the newspaper (<http://bit.ly/no9mTc>). "But I believe I know how the sportsmen feel about this issue, since it has been debated in the Legislature year after year."

The policy directs that unless

conservation officers have reason to suspect illegal activity, compliance checks should be conducted in the vicinity of public roads and section lines, along field borders and where hunters are congregated or where hunters have traveled in vehicles.

Bill Antonides, president of the South Dakota Wildlife Federation, said the directive will hurt wildlife law enforcement in South Dakota and force officers to use different standards in checking hunters on public and private land.

"This really sets up two classes of hunters: those who hunt public land and are subject to unannounced compliance checks and those who hunt private land and have no reason to fear enforcement of any but the most blatant violations," Antonides said in an email. "Even those violations are OK if done outside the view from a public road."

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Neb. Jobless Rate Again At 4.2 Pct

LINCOLN, Neb. (AP) — Nebraska's 4.2 percent unemployment rate for September marked the third straight month without a change in the state's jobless estimate, according to preliminary figures released Friday by state officials.

Unemployment in Nebraska was about half the national rate, which remained at 9.1 percent in September.

North Dakota's unemployment rate of 3.5 percent was again the lowest in the nation. Nebraska came next, followed by South Dakota at 4.6 percent.

The September 2010 figure for Nebraska was 4.5 percent, the Nebraska Labor Department said.

Two industry sectors experienced job growth during Septem-

ber, according to the state labor report. Professional and business services added 2,138 jobs, while education and health services added 920 jobs.

The unemployment rate in Omaha, Nebraska's largest city, dropped to 4.4 percent in September from August's revised rate of 4.6 percent. A year ago, the September figure was 4.8 percent.

In Lincoln, the state's second-largest city, the rate dropped to 3.5 percent from a revised 3.6 percent in August. A year ago, the September rate was 3.9 percent.

State officials have said the unemployment rates for Omaha and Lincoln are not seasonally adjusted and cannot be compared to the state unemployment rate.

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