

Keystone XL Critic Offers Route Alternative

LINCOLN, Neb. (AP) — A lawyer who is working with opponents of the Keystone XL oil pipeline says Nebraska lawmakers could move the proposed route away from the Sandhills.

Omaha attorney Brian Jorde suggested Thursday that lawmakers establish a 100-mile-wide corridor that pipeline builders would have to follow.

The *Lincoln Journal Star* says lawmakers are set to meet in a special session related to the project starting Tuesday. The pipeline would pass through the Nebraska Sandhills and over the massive Ogallala Aquifer, a source of irrigation and drinking water.

TransCanada spokesman Shawn Howard concedes that state law would apply to projects that haven't proceeded as far as the Keystone XL. But he says the company has worked on the Keystone XL project in good faith and followed the existing rules.

S.D. Woman Told By Officials That She's Dead

PIERRE (AP) — A Pierre resident said her recent attempt to renew her driver's license was going smoothly until the clerk told her she was dead.

Eunice Cory told the *Capital Journal* that when the clerk entered her information in the computer, it showed that she was deceased. "They said, 'We can't accept your birth certificate,'" said Cory, who assured the clerk that the certificate was legitimate.

But the clerk said Cory was dead, based on information generated by the state's computer system. Cory insisted that she indeed had a pulse.

"What in the world do I have to do to prove to you I am not dead?" Cory said she asked.

Cory was referred to the state's Vital Records office, which told her she had been dead for five years. Eventually, the department fixed the error, and Cory returned to get her driver's license.

In all, her resurrection took about three hours, she said. "I have had a lot of laughs over it," she said.

Sioux Falls Police Seize 70 Pounds Of Pot

SIoux FALLS (AP) — Two Sioux Falls men have been arrested on felony charges in a drug bust that netted 70 pounds of marijuana and \$91,000.

The Argus Leader reports that 28-year-old Colin John Neubauer-Keyes and 26-year-old Evan Thomas Cutler face charges of possession of more than 10 pounds of marijuana and possession with an intent to distribute over one pound of marijuana.

Sioux Falls police spokesman Sam Clemens says the Sioux Falls Area Drug Task Force arrested the two men outside a motel Wednesday night after officers intercepted the marijuana.

Clemens says about \$91,000 cash was seized.

Both charges are punishable by up to 15 years in prison.

UNL Regents Discuss Same-Sex Partner Plan

LINCOLN, Neb. (AP) — Homosexual couples could qualify for the same employee benefits as heterosexual couples at the University of Nebraska under a proposal pitched Friday to the university's board of regents.

University President J.B. Milliken said the proposal would help the university's efforts with recruitment, retention and employee satisfaction, and bring it in line with its fellow schools in the Big Ten.

"I do believe that there is a competitive imperative here," Milliken said, according to the *Lincoln Journal Star*. "I also believe there's a basic issue of treating our employees equitably."

The "employee plus one" proposal would extend employee benefits to a qualifying, unrelated adult who shares an employee's household, and with whom the employee is financially interdependent. It also would include family coverage for the employee, the other adult and their dependent children.

NU officials have estimated that extending health insurance benefits to partners who qualify would cost between \$750,000 and \$1.5 million annually, based on an estimated 100-200 new employee sign-ups. Total costs for the university's health insurance plan are greater than \$120 million.

Neb. Court Orders New Hearing In Child Death Case

BY MARGERY A. BECK

Associated Press

OMAHA, Neb. — The Nebraska Supreme Court ordered a new hearing Friday for a man convicted of killing his girlfriend's 4-year-old daughter, saying a lower court must do more to show the man's right to a speedy trial was not violated.

Donald Lee, 37, was sentenced in 2009 to 70 years in prison for the 2008 death of Ashlynn Gamble. An autopsy showed the little girl had been strangled and her skull fractured.

Lee was originally charged with first-degree murder but pleaded no contest to second-degree murder in a deal with prosecutors. He represented himself in an appeal, claiming among other things that he

had been denied his right to a speedy trial under state law.

Nebraska law requires those charged with crimes to be brought to trial within six months, although some time can be excluded from the speedy-trial clock, such as delays sought by the defendant.

In Lee's case, the speedy-trial clock began on Nov. 3, 2008. Under state law, Lee's trial should have started, at the latest, on May 3, 2009, barring any allowed delays. Lee did not enter his plea until May 19.

Judge John Murphy of Lincoln County District Court rejected Lee's claim and denied Lee an evidentiary hearing on the matter, saying Lee had asked for continuances, which added to the six months. Lee has denied asking for continuances in the case.

But the state's high court found merit in

Lee's argument, saying the lower court failed to produce documents showing when the continuances were granted or for how long.

"In other words, the files and records of the case do not show that Lee actually moved for continuances and thus do not show that the State did not violate his speedy trial right," state Supreme Court Judge William Connolly wrote for the court. "Simply put, the records do not affirmatively show that Lee is not entitled to relief."

The state's high court rejected two of Lee's other claims — that the lower court had not properly advised him of his rights when he entered a no-contest plea and that he was denied effective legal representation.

The Nebraska Attorney General's office, which argued for prosecutors in the appeal, declined to comment.

Nebraska Woman Wins Right To Sue After Elevator Injury

BY MARGERY A. BECK

Associated Press

OMAHA, Neb. — A woman seriously injured in a fall down an empty elevator shaft at her workplace can sue a real estate company operated by her employers, the Nebraska Supreme Court said Friday.

Darlene Howsden was an employee of a Lincoln funeral home in 2009 when she went to cut through a makeshift hallway often used by employees. The hallway was created in an elevator shaft by the top of an elevator car that usually rested on the building's basement floor. However, the car had been moved unbeknownst to Howsden, and she fell 16 feet to the building's basement floor.

Howsden received workers' compensation, but sued the real estate company that owned the mortuary to recover additional damages. The company, Roper's Real Estate, is owned and operated by the same shareholders as Roper & Sons Inc., which operated the mortuary.

Roper's argued it essentially was the same company as the mortuary, making workers' comp Howsden's sole remedy for damages.

But the state's high court disagreed, saying Roper's Real Estate is a separate entity from the funeral home, despite their corporate kinship.

"One cannot claim the benefits of incorporation without the burdens," Supreme Court Judge John Gerrard wrote for the high court. "So, when two companies are corporations which benefit from legally recognized identities separate and apart from one another, they must also bear the responsibility and liability of such separation."

Joel Bacon, a Lincoln attorney for Howsden, said Friday he had not had a chance to tell Howsden the news of the opinion in her favor, but said he is certain she will be pleased. She intends to sue for unspecified damages, including lost wages and pain and suffering for the back injuries she received and that still plague her, Bacon said.

Sioux Falls Ethics Board Dismisses Mayor Complaint

SIoux FALLS (AP) — The Board of Ethics in Sioux Falls has thrown out a complaint about the mayor's involvement in public presentations on a proposed \$115 million events center, saying it lacks authority in the matter.

The move does not necessarily signal an end to the lingering dispute. The man who filed the complaint tells the Argus Leader newspaper (<http://argusne.ws/v2Z1ny>) that he will be conferring with his lawyer, and the state's attorney general is not ruling out becoming involved.

I.L. Wiedermann, who filed the complaint, contends the city and mayor violated state law and a city charter by using public money for presentations that advocate for building the proposed center, which residents of South Dakota's largest city will vote on Nov. 8. Mayor Mike Huether, an outspoken proponent of the center, also

has been accused of passing out publicly funded pamphlets supporting the project.

The ethics board discussed the matter behind closed doors in executive session on Thursday. City Attorney David Pfeifle recused himself as the board's legal adviser but did not publicly say why. Ethics board members and Pfeifle later said the complaint would remain confidential indefinitely unless Huether decided the information could be made public. Wiedermann — who was told by Pfeifle that the matter was confidential while Wiedermann was speaking with reporters — said he was forbidden by the city to discuss the matter.

Attorney General Marty Jackley has not waded into the dispute, saying it is a matter for the city ethics board and city attorney. However, he said Thursday that he and the county state's attorney might have jurisdiction.



[A DOCTOR WITH CONNECTIONS IS ALWAYS A GOOD THING.]

Okay, maybe they can't put you in the middle of the hottest action. But our more than 500 primary care and specialty providers are your connection to everything you need to stay healthy. Including leading hospitals and some of the nation's most respected cardiac and cancer treatment programs.

To find an Avera Medical Group physician, call 1-877-AT-AVERA or visit AveraMedicalGroup.org.

LOOK NO FURTHER.

Avera
Medical Group

Speed Queen

Laundry it's all we do!

Only available at...

Larry's
APPLIANCE
920 Broadway • 665-9461

Air Duct Cleaning

\$35 OFF

Steamway
CLEANING & RESTORATION

• No Hidden Cost
• Free Estimates
• Free Video Duct Inspection
Expires 11/15/11

665-5700 • 1-800-529-2450

ATTENTION MEDICARE BENEFICIARIES

For Medicare Advantage members and others needing to find Medicare coverage, don't panic. Turn to **AveraSELECT** — a choice you can count on.

AveraSELECT offers quality Medicare SELECT Supplement Insurance, with a variety of plan options including Medicare Part D prescription drug coverage and **no health questions asked** during open enrollment, October 1, 2011 through February 14, 2012.

Call (605) 665-3335 or toll-free at (866) 903-2783 today and choose **AveraSELECT**.

Avera

SELECT
Medicare SELECT Supplement Insurance

Underwritten by Avera Health Plans

Look no further.

* Network restrictions apply. Neither Avera Health Plans nor its agents are affiliated with Medicare or the State or Federal Government.

SD/IA-AD140 (8/08)