

Clash Over S.D. Voter Pamphlets Goes To Court

RAPID CITY (AP) — A state senator is suing to try to force South Dakota Secretary of State Jason Gant to replace election voter guides that were sent out with new ones that will include his opposing view on a ballot measure.

Sen. Stan Adelstein, R-Rapid City, has accused Gant of breaking the law by not including opposition statements on four proposed constitutional amendments. His lawsuit asks that the pamphlets be recalled and new ones printed, with Adelstein's opposing view on a proposed balanced budget amendment included.

"I didn't realize that he would have the audacity to break the law and not have a 'con' statement on this issue," Adelstein told the *Argus Leader*.

His lawsuit does not address the other three constitutional amendments.

In a statement, Gant said he made a good faith effort to seek out people who might want to present opposing views but that none were submitted.

"I believe I have followed the law to the fullest extent," he said. "The next step is now with the court."

The lawsuit was filed in circuit court in Hughes County. A hearing could be held as early as Friday in Pierre.

The informational pamphlets are available online and were sent to news outlets and county auditors in late August to help them inform voters. State law says statements for and against ballot measures should be included "if any can be identified."

Adelstein sent Gant a letter in late September requesting the change for which he's now suing. Gant said it was too late to make any changes, since early voting began Sept. 21.

"There are hundreds of thousands of voters yet to vote," Adelstein said.

Daugaard Won't Intervene In Executions

PIERRE (AP) — South Dakota Gov. Dennis Daugaard says he does not plan to intervene in the upcoming executions of two men.

Fifty-year-old Eric Robert is scheduled to die by lethal injection sometime next week for the killing of prison guard Ronald Johnson. Sixty-year-old Donald Moeller is scheduled to die during the week of Oct. 28 for the kidnapping, rape and murder of 9-year-old Becky O'Connell.

In a statement released to the media, Daugaard says he has no reason to change the judgment reached by criminal justice system.

He says state law allows him to conduct his own investigation, which he did with the cooperation of Attorney General Marty Jackley.

Barring an unforeseen circumstance, he says he will not prevent or intervene in the sentence being carried out.

S.D. Corn Crop Estimate Lowered Slightly

SIOUX FALLS (AP) — The federal Agriculture Department has slightly lowered its corn production forecast for South Dakota.

Officials forecast the crop at just under 503 million bushels, down 1 percent from September and down 23 percent from last year.

South Dakota's soybean crop is now pegged at about 130 million bushels, up 4 percent from last month's estimate but down 14 percent from a year ago.

Sunflower production in the state is expected to be up 2 percent from 2011, but the sorghum crop is forecast to be down 25 percent. Alfalfa hay is down 46 percent and other hay down 35 percent, as drought conditions worsen in the state.

S.D. Sees Increase In Whooping Cough Cases

PIERRE (AP) — State health officials say whooping cough cases are on the rise in South Dakota.

The South Dakota Department of Health says in a news release that whooping cough cases are up 87 percent over the five-year median. Fifty-six cases have been reported as of Oct. 3. Health officials say most of the cases are in children following an outbreak at a school.

The South Dakota Department of Health is urging parents to immunize their kids. The department provides free vaccines for children.

Whooping cough is also known as pertussis. Colleen Winter with the Department of Health says it causes uncontrollable coughing, rib fractures, pneumonia, loss of consciousness and can ultimately lead to death.

Report: Both Drivers Contributed To Neb. Crash

RED CLOUD, Neb. (AP) — The drivers of a school bus and hay-hauling semitrailer in southern Nebraska both contributed to last month's crash that killed four people and injured five others, investigators said Thursday.

Authorities concluded that the vehicles entered the rural, unmarked Webster County intersection at about the same time on Sept. 5, and both drivers had an unobstructed view before the collision. The fiery crash south of Blue Hill shook the rural community.

The truck's driver, 21-year-old Travis Witte, of Blue Hill, and 59-year-old bus driver Marla Wentworth, of Red Cloud, both died. Also killed were Dustin Tesdahl, 18, and Caroline Thallman, 10, both students from Blue Hill. Five other students were injured.

"This has been an extremely difficult time for all of us," Webster County Attorney Sara Bockstadter said in a statement. "While we continue to grieve the loss of our family members and friends, we would like to thank everyone who has reached out to our community to provide comfort and support."

Investigators said Witte didn't have a Class A commercial license that's required to drive the truck, and Wentworth failed to yield the right-of-way to the truck, which was on her right. Authorities say drugs and alcohol were not involved.

The Nebraska State Patrol investigated and reconstructed the accident, which happened just before 5 p.m. The fire destroyed data-recording equipment in both vehicles, which hampered attempts to determine how fast the vehicles were traveling.

A few weeks after the crash, Blue Hill Community Schools Superintendent Joe I Ruybalid reported that residents had raised more than \$5,000 for emergency crews that responded to the crash.

Firefighters To Torch Neb. Mansion For Training

GRETNA, Neb. (AP) — A mansion near Gretna is destined for the fire heap.

The *Lincoln Journal Star* says firefighters will torch the 14,000-square-foot mansion for training. It was built in 1997 by businessman and former NFL player Rod Kush.

It was once worth about \$2.5 million. Kush sold it for \$1.6 million in 2008 and the buyer gave it Catholic Charities, which tried but failed to open a youth treatment center. The mansion was sold two years ago to an Elkhorn developer for \$612,000.

Sarpy County Assessor Dan Pittman says decay and vandals moved in and it's now so overrun with mold that it's worthless.

The owner needs the mansion removed for a development, so Gretna's 48 firefighters will burn it down room by room. No burn date is set.

HALLOWEEN  
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Corn Estimate Lowered To Reflect Harvest Yields

BY DAVID PITT  
Associated Press

DES MOINES, Iowa — The U.S. Department of Agriculture on Thursday slightly lowered its projection for the nation's corn crop for a fourth straight month, reflecting worse-than-expected news about the actual impact of this year's withering drought from the farmers busy harvesting their fields.

The USDA estimates that farmers will harvest 10.71 billion bushels of corn this year, which would be the smallest amount since 2006. Last month's estimate was 10.73 billion bushels.

Crop estimates change as fields are harvested and farmers get a better sense of how the weather affected yields. The U.S. has been experiencing one of its worst droughts in decades, and conditions have been particularly harsh in many of the key Midwest and Plains farming states.

Farmers have harvested 69 percent of the nation's corn already this year, which is well ahead of the 28 percent that would be harvested by this time in a typical year.

The average yield is about 122 bushels per acre, which is down from last month's estimate of 122.8 bushels. That is the lowest average yield since 1995 and is significantly below last year's yield of nearly 153 bushels per acre. Although the drought dried up the soil in many parts of the U.S., the corn harvest was surprisingly good in some areas, said Darin Newsom, senior analyst for Telvent DTN, a commodity trading and information provider.

"Is 122 anything great? No. It's still a dismal yield, still well below what had been anticipated earlier this year," Newsom added.

In Iowa, for example, the nation's leading corn producer, production will be about 19 percent lower than last year at about 1.92 billion bushels. Neighboring Nebraska will see production down about 15 percent from last year at 1.3 billion bushels. Illinois was hard hit with production falling 37 percent to 1.22 billion bushels from last year and Indiana's slid 28 percent.

Minnesota corn farmers lucked out this year, getting at least some rain that helped avert the dire conditions further south. They saw a 15 percent increase in corn production to 1.39 billion bushels and an 8 percent yield increase to 168 bushels per acre from last year's 156 bushels.

Nationally, farmers planted more corn this year than in any other since 1937, so despite the widespread drought, the U.S. is expected to produce its eighth largest corn crop on record.

Farmers planted about 97 million acres in corn, which is far more than just a decade ago when fewer than 80 million acres were planted. They are expected to harvest about 88 million acres this year.

Corn supply is now estimated at 11.77 billion bushels, which is down from last month's estimate of 11.98 billion bushels.

The report is expected to boost prices for the next few days as the market reacts to the lower production and tighter supply estimates, but analysts expect a calming of the market now that the harvest is in its final stages and the drought impact is clear.

Corn for December delivery was trading at around \$7.71 a bushel. It had hit a record high of \$8.49 a bushel in August, but it has since settled down.

The USDA estimated the season average price for corn now at between \$7.10 and \$8.50 per bushel, about 10 cents lower on both ends of the range from its September estimate.

Still, prices at that level could have in impact on grocery bills, mostly meat and eggs since corn is used as a staple in chicken, cattle and pig feed.

Global supplies of corn remain tight and the major users — livestock farmers, the ethanol industry and other countries importing it — will be forced to negotiate their level of use, a sort of market rationing that takes place in years of low supply.

Soybean production was increased to 2.86 billion bushels as farmers harvest more acres and bring in better yields than had been expected earlier. Soybeans mature later in the growing season than corn and the plants withstood the drought better and some areas received rain in time to help the plants.

Harvested area was increased to 75.7 million acres from 74.6 million acres the month before. The soybean yield is projected at 37.8 bushels per acre, up from the previous month's estimate of 35.3 bushels.

Soybean supplies were increased 10 percent to 3.05 billion bushels.

"It's still not going to be enough. It's going to be a very tight situation," Newsom said.

Globally soybean demand remains high while supplies are inadequate to meet the level of demand, which likely will keep prices up.

Soybeans for November delivery hit a record high \$17.89 in early September but settled down in recent weeks and were trading at \$15.48 a bushel.

N.D. AG: Law Not Keeping Pace With Synthetic Drugs

BY DALE WETZEL  
Associated Press

BISMARCK, N.D. — The girl was screaming incoherently as she drove along a northeastern North Dakota road. Feeling trapped in a "cartoon world" after smoking synthetic marijuana, she shrieked in response to the 911 operator's patient questions: What's the problem? Where are you?

"I'm driving!" the unidentified teen yells. "Help me, please!"

The recording, played Thursday at a legislative hearing, illustrates the danger posed by synthetic drugs, the use of which is becoming "epidemic" in North Dakota, Attorney General Wayne Stenehjem said.

Synthetic drug overdoses have killed at least two young people in northeastern North Dakota and sent several to hospital, he said.

North Dakota already bans many types of synthetic marijuana and stimulant drugs that mimic the effects of amphetamines. But the changing chemical makeup of the drugs, which are

often marketed as bath salts or incense, make it more difficult to outlaw specific substances, Stenehjem said.

His office is drafting legislation to make the substances illegal if they have a "core chemical" that's common to different types of synthetic marijuana or hallucinogens. The bills will be introduced when the Legislature begins in January.

"The hallucinogens, the synthetic LSDs, are something that our law really isn't completely up to speed on, and so that's something that we'll be working on," Stenehjem said.

He also plans a separate legal strategy: Outlawing the sale of any substance if the seller knows his or her customer is going to use it to get high.

"The problem isn't necessarily the penalties. The penalties are plenty severe," Stenehjem said later in an interview with The Associated Press. "The problem is defining exactly what substances are we talking about, because to get a criminal prosecution, you have to specify what it is that is illegal."

Charlene Schweitzer, a forensic scientist in North Dakota's state crime laboratory, said the law needs to include additional classes of synthetic drugs that are made to mimic the effects of marijuana, stimulants and LSD.

Schweitzer and Hope Olson, the lab's director, said the drugs often have chemical differences and can require days to analyze, compared to the short time it takes to verify a marijuana sample.

More than 40 states have approved bans on synthetic marijuana and bath salts, according to the National Conference of State Legislatures, which tracks proposals in state capitols.

Stenehjem said the approach of outlawing substances that are knowingly sold so the user can get high would be unique to North Dakota.

"We are seeing people who are showing up in the emergency rooms, that law enforcement are being called to, by the hundreds," he said. "I fear that unless we get a handle on this situation immediately, that we will see more people

dying who are taking these substances."

Julie Lawyer, an assistant attorney general, played the 911 recording for members of the Legislature's interim Judiciary Committee on Thursday. Several blanched as they listened to the girl's screams.

Police reports say the girl was a 17-year-old resident of Larimore, in rural Grand Forks County. Lawyer said the teen had taken "a couple of hits" from a pipe containing synthetic marijuana at a Grafton home last May. The drug was packaged as "100 Percent Pure Evil," and contained an ingredient that is not illegal under current North Dakota law.

The girl said later she believed she was in a "cartoon world," Lawyer said.

"She was screaming in the call because she was so scared and frustrated, because she knew in her mind what she wanted to say," Lawyer said. "She just couldn't get her mouth to form the words, and she couldn't get the words out."

OBITUARIES

Lilly Acosta

Lilly Elizabeth Acosta took her first breath at 2:51am on Monday, October 8th, 2012. In the 11 short hours she was in this world, she stole the hearts and forever changed the lives of many. Her Mother, Faith Elizabeth Acosta, her maternal grandparents, Frank & Elizabeth Acosta of Vermillion, her uncle, Ian Gabriel Acosta and countless friends and talented care givers at Sanford Health of Sioux Falls were blessed with the chance to hold her hands, sing her songs and shower her with tears, prayers and boundless love.

At 35 weeks Lilly was 3 pounds, 15 oz and 15 & 3/4 inches long. She had the most beautiful deep navy blue eyes, a full head of dark brown curly hair, her grandfather's nose, 10 fingers and 10 toes. After a beau-

tiful baptism by Pastor Sandi Aakre of First Baptist Church, Lilly took her final breaths in her mother's arms as Faith made the ultimate sacrifice to pass her back into Jesus's awaiting eternal embrace.

While Lilly's Uncle and Aunt, Chris & Olivia Acosta of Bellingham, WA and her Great Grandmother, Lourdes Marquez of Houston, Texas were not able to meet her in this world - their love for Faith has automatically embraced the life and loss of Lilly indelibly in their lives forever too.

A remembrance of Lilly and a celebration for Faith will be held at First Baptist Church in Vermillion on Saturday, October 13 at 2 p.m. Your presence, prayers or simple understanding would be greatly appreciated at this time.

Lilly's Prayer — No matter what, it is our greatest privilege to know your unconditional love. God, thank you for this precious gift and help me to not walk through life with blinders on, but be open to the presence of your angels everywhere.

Yankton Press & Dakotan  
October 12, 2012

Dennis Girard

Dennis Ray Girard died October 10, 2012 at Wakonda Heritage Manor.

Dennis was born August 6, 1958 to Francis and Evelyn (Lambert) Girard. He attended Westerville Country School and graduated from Wakonda High School in 1976. He was active in sports during high school. He later attended Mitchell VoTech graduating with a degree in Heating & Air Conditioning. He enjoyed watching sports on television and fishing.

He is survived by his mother Evelyn of Vermillion, three brothers; Leonard (Pat) of Vermillion, Roger (Karen) of Yankton and Marvin (Pat) of Wakonda also several nieces and nephews.

He was preceded in death by his father Francis in 1973.

Memorial services will be 2 p.m. Tuesday, October 16, 2012

at the Hansen Funeral Home in Vermillion. Burial of ashes will follow in Calvary Cemetery at Vermillion.

For obituary and online condolences, visit [hansenfuneral-home.com](http://hansenfuneral-home.com)

Yankton Press & Dakotan  
October 12, 2012

Rhea Harris

SPRINGFIELD — Rhea Harris, 71, of Springfield died Tuesday, Oct. 9, 2012, at the Heritage Manor in Wakonda.

Funeral services are at 11 a.m. Saturday, Oct. 13, at the United Church of Christ, Springfield. Burial is in the Springfield Cemetery.

Visitation is at the church from 9:30 a.m. until service time on Saturday.

Crosby-Jaeger Funeral Home, Springfield, is in charge of arrangements.

In Loving Memory of Liam Duncan

Words cannot adequately express our appreciation and gratitude for all of the kind words, encouragement, prayers, and support given to our families during this difficult time.

A special thank you to the doctors, nurses, and staff at Avera McKennan Hospital in Sioux Falls, to the staff at the Miller Funeral Home in Sioux Falls, and to Reverend Val Putnam who directed the beautiful Memorial Service. We are grateful for the care and professionalism you provided.

To everyone who brought food, sent cards, visited with our families, and offered prayers, we thank you all so very much. We feel blessed to have so many caring friends. Your kindness and generosity will never be forgotten.

Samantha, Aaron, Zach, and Aidan Duncan  
Lesla, Chris, and Casey King

IN REMEMBRANCE

Viola I. Reifenrath

10:30 AM, Friday

St. Joseph's Catholic Church

Constance



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Card of Thanks

We want to thank everyone who came and helped us celebrate our 65th Anniversary on October 6th. Friends and family are so special.

A special thanks to our sons and daughters and their spouses who planned and hosted it.

Thanks to Judy, the coordinator of events at the Elks. She did a great job and the cooks in the kitchen made a great buffet enjoyed by all.

Thank you for all the cards we received.



We Are So Blessed & Bless All Of You,  
Dorothy & Don Anderson