

## Heineman Like Past Omaha Mayor For Regents

LINCOLN, Neb. (AP) — Gov. Dave Heineman has endorsed former Omaha Mayor Hal Daub in his bid to be elected to the University of Nebraska Board of Regents.

Heineman praised Daub's service as a former congressman and mayor, and said he will bring a "unique and insightful perspective" to the board if elected. Daub released the governor's statement Wednesday.

Daub, who served four terms in the U.S. House of Representatives, is running for the District 8 seat on the board, which includes much of the Omaha area. The seat is currently held by Randy Ferlic, who recently announced he will not seek a third term.

## County To Pursue Change In Fairgrounds Tax

SIOUX FALLS (AP) — Minnehaha County commissioners voted to ask the city of Sioux Falls to collect sales tax at the W.H. Lyon Fairgrounds and turn the money back over to the fair.

Because the fair is on county-owned property and is exempt from all city ordinances, it doesn't collect city sales tax.

But *The Argus Leader* reports the commissioners voted Tuesday to ask the city to change its ordinance and charge the sales tax. Commissioners said a 2 percent tax could generate \$50,000 a year for the fairgrounds, money that could help with improvements or operating expenses.

The county would like that money to be given back to the fairgrounds to help fill a hole left this year when the county reduced its allotment to the fairgrounds by \$100,000.

## ND K-9 Helps Track Down Wanted Man

FARGO, N.D. (AP) — Police from Fargo and several surrounding areas tracked down and arrested a 20-year-old man wanted in Minneapolis with the help of the public and a police dog.

KFGO reports that police confronted Emmanuel Kennedy Wednesday morning after they received a tip he was at a south Fargo apartment complex.

Fargo Police Lt. Joel Vettel said Kimber, the newest member of the police department's K-9 division, tracked Kennedy down. He was found hiding between trailers.

Vettel said several local police dogs and their handlers happened to be in Fargo for a training session and responded to the call.

Kennedy, who was wanted for felony probation violations in Minneapolis, now faces charges of resisting and obstruction.

## Colorado Firm Low Bidder For Neb. Dam Work

MCCOOK, Neb. (AP) — A Colorado company is the apparent low bidder for repairs to the Red Willow Dam north of McCook, Neb.

SEMA Construction of Centennial, Colo., submitted a bid of \$15.3 million to repair cracks found in the dam embankment in October 2009.

The *McCook Daily Gazette* reports that the company's bid was slightly higher than the government estimated but \$2 million less than the closest bid.

Gerri Voto-Braun, a contracting officer for the U.S. Bureau of Reclamation, says she will work with the Colorado company to ensure it's a responsible bid. The bureau also must approve SEMA's sub-contracting plans before awarding the bid.

Officials say work on the dam about 10 miles north of McCook will take about two years.

## Money Found For Honor Guards At Funerals

ST. PAUL, Minn. (AP) — Minnesota's top veterans official says the state will continue helping pay for honor guards at veterans' funerals.

Veterans Affairs Commissioner Larry Shellito told Minnesota Public Radio on Wednesday that his agency has the funds to keep paying for the funeral honors, even though the spending was cut in the new state budget.

Shellito says he won't let the funeral honors fall through the cracks.

The state has reimbursed service organizations up to \$50 for each funeral since 2008.

MPR had previously reported that the budget cut was forcing the American Legion, Veterans of Foreign Wars and other veterans groups to try to raise money to continue providing military honors at veteran funerals.

## Med Student Convicted Of Sexual Exploitation

SIOUX FALLS (AP) — The South Dakota Board of Medical and Osteopathic Examiners revoked the residency permit for a former University of South Dakota School of Medicine student after he had sex with a patient.

KELO-TV reports that the South Dakota Board of Medical and Osteopathic Examiners revoked Ryan David Lee's permit. It says Lee was a third-year resident when he had sex with a 27-year-old patient he was treating at Avera University Psychiatry Associates in Sioux Falls.

Lee, who was convicted of sexual exploitation in connection with the case, is now listed on the South Dakota Sex Offender Registry.

# Sales Tax Ballot Organizers To Collect Signatures

BY DIRK LAMMERS  
Associated Press

SIOUX FALLS — Organizers of a proposed 2012 ballot measure aimed at increasing the state's sales tax to boost revenues for education and Medicaid say they should be ready to start collecting petition signatures this week.

The measure, which would bump the state sales tax from 4 percent to 5 percent, is sponsored by David Hewett, president of the South Dakota Association of Healthcare Organizations, and Bryce Healy, executive director of the state teacher's union.

South Dakota Attorney General Marty Jackley approved the measure's wording on Tuesday, and Hewett said the proposed petition form will be submitted to the secretary of state soon.

"Hopefully in the next 24 to 48 hours, we'll be able to get out and start gathering signatures," Hewett said Wednesday.

The measure will be placed on the November 2012 general election ballot if the group can obtain the required 15,855 petition signatures by Nov. 1 of this year and they are

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DAVID HEWETT

certified by the secretary of state.

The Legislature in March reduced per-student K-12 funding by 6.6 percent and cut reimbursements to Medicaid providers by 4.5 percent to 11.5 percent while cutting other agencies by 10 percent.

Hewett said South Dakota doesn't have the necessary revenue sources to sustain basic services in K-12 public education and Medicaid funding.

"The state really does need a predictable, reliable source of revenue to pay for the basic services it said it would deliver," Hewett said.

The extra penny would raise an additional

\$180 million, with \$90 million going to K-12 education and the other half to Medicaid funding.

About \$70 million of the Medicaid funding portion would be used to enhance reimbursement to nursing homes, hospitals, doctors, dentists and other health care providers. The remaining \$20 million would cover anticipated growth in Medicaid use and increased enrollments, Hewett said.

Tax increases are never an easy sell, but Hewett said he thinks voters will be receptive.

"I don't know that there's ever a good time, but I think people fully understand the necessity of maintaining basic services at the state level," he said. "And I think that was made all the more clear during this last legislative session."

Hewett and Healy are listed as officers in Moving South Dakota Forward, which has registered as a ballot question committee.

Hewett said their efforts right now are focused on gathering signatures, and a campaign to appeal to the public will be launched later.

## US Attorney: Eagle Feathers In Caskets Were Legal

RAPID CITY (AP) — Native American police officers did not break the law by burying eagle feathers with two slain Rapid City officers in order to honor them, a federal prosecutor said, rejecting a call to bring charges by an American Indian group.

Representatives of the Black Hills Sioux Nation Treaty Council contend that the Native American officers had no right to possess the eagle feathers because they aren't enrolled members of a federally recognized tribe.

Floyd Hand, a council delegate, asked Rapid City Police Chief Steve Allender to return the eagle feathers. Allender then asked the U.S. Attorney's office to review the situation. U.S. Attorney Brendan Johnson said the Indian officers who provided the feathers had the legal right to do so, the *Rapid City Journal* reported Wednesday.

"The Native American officers who possessed them were exercising their religious beliefs by having them buried with their fallen colleagues," Johnson said of the eagle feathers. "I think it's very clear that these officers were exercising their religious rights. It was a legitimate thing for them to do and there was no federal violation."

Native American police honored slain officers — J. Ryan McCandless and Nick Armstrong, who were killed Aug. 2 during a shootout — by putting eagle feathers in their caskets.

"That's really a violation," Hand said. "The family has no right burying eagle feathers. That's against the federal law," Hand said, adding that Johnson needs to "read his Treaty Council."

The Black Hills Sioux Nation Treaty Council is composed of 17 members who advocate for the

provisions of the 1851 and 1868 treaties to be upheld by the U.S. government. Hand is one of three delegates from the Oglala Lakota tribe.

Johnson's legal interpretation of the situation includes the federal Migratory Bird Act, which has protected the bald eagle since 1940 and the golden eagle since 1962. The act permits tribal members to possess the feathers of eagles and other migratory birds for use in religious ceremonies, but they may not sell them. While there is no specific language in the act for giving the feathers as gifts to non-Native Americans, Johnson said his decision is based on the premise that honoring the memory of fallen colleagues with an eagle feather is a religious practice for Native American police officers.

Those who violate the act can face a fine of up to \$5,000 or up to a year in prison, or both.

Johnson said his investigation showed that the Native American officers, whom he declined to identify, were in lawful possession of the feathers.

Thomas Shortbull, an Oglala Lakota and president of Oglala Lakota College, said an eagle feather is the "highest honor that an Indian person can give another."

He called the presentation of the eagle feathers to the fallen police officers a "nice gesture of respect" and said he did not believe it violated the spirit of the law. The federal law is designed to prevent the wanton killing of eagles, not keep the Native American community from expressing its solidarity with a grieving city, Shortbull said.

## Judge Throws Out Neb. Petition Residency Rule

BY JOSH FUNK  
Associated Press

OMAHA, Neb. — Nebraska's law requiring petition circulators to be residents of the state has been found unconstitutional, but several other petition-drive restrictions were upheld.

U.S. District Judge Joseph Bataillon ruled Tuesday in two lawsuits filed by the American Civil Liberties Union and several petition organizers. The lawsuits argued that changes the state Legislature made in 2007 and 2008 illegally restricted political speech by putting an unfair burden on groups trying to force a vote on an issue and on independent candidates.

Bataillon ruled that the state's ban on out-of-state petition workers unfairly infringed on organizers' constitutional rights and made it harder to conduct a petition drive.

"The out-of-state ban imposes a heavy burden on the plaintiff-intervenors efforts to promote their political views in Nebraska," Bataillon said.

The judge also threw out a requirement that local petition sponsors be residents of those cities.

But he upheld requirements that petition circulators be at least 18 years old, and that petitions identify paid circulators. A ban on paying circulators by the signature was also upheld.

Shannon Kingery, the state attorney general's

spokeswoman, said the rulings are still being reviewed, so she declined to comment on them.

ACLU attorney Elora Mukherjee praised Bataillon's decision to eliminate the residency requirement because she said it made it nearly impossible for Nebraskans to get an issue on the ballot.

"We're thrilled that the court struck down the ban on out-of-state circulators," said Mukherjee, who is based in New York.

ACLU Nebraska sued the state on behalf of the nonprofit Citizens in Charge Foundation Inc., along with Michael Groene of North Platte, a frequent petition signature gatherer for ballot initiatives, and Donald Sluti of Kearney, who believes the law makes it impossible for him to gather enough signatures to get on the Nebraska ballot as an independent candidate. The Libertarian Party of Nebraska later joined the lawsuit.

Omaha businessman Kent Bernbeck filed a separate lawsuit challenging the petition restrictions that was also decided Tuesday. Bernbeck and others tried to use the initiative process to get the city of Stanton to install a donated water slide for the city swimming pool. They say their petition was denied in November because of some circulators were disqualified because they weren't residents.

Bernbeck said he hopes Stanton residents will finally be able to vote on the slide.

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## Updated For Yankton's 150<sup>th</sup> Anniversary

# YANKTON: THE WAY IT WAS

By Bob Karolevitz

In 1999 Bob Karolevitz compiled all his weekly Press & Dakotan columns into a book, "Yankton: The Way It Was!". This book is now available once again with new additional columns.

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## First in Yankton

### Avera Sacred Heart Hospital Earns ACR Accreditation

The Radiology Department at Avera Sacred Heart Hospital has been awarded a three-year term of accreditation in computed tomography (CT) as the result of a recent review by the American College of Radiology (ACR) – the first CT accreditation received in Yankton.

#### What does ACR Accreditation mean for you?

- Your hospital meets nationally accepted standards.
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Call (605) 668-8150 to schedule an appointment. Or talk to your provider about having your digital radiography testing, including CT, MRI, ultrasound or mammography, performed at Avera Sacred Heart Hospital.

Avera Sacred Heart Hospital is also accredited by the ACR for MRI, ultrasound and mammography.

**Avera**  
Sacred Heart Hospital

Pictured from left to right: Robin Berke, RTR; Carol Cook, RTR, M, CT; Sara Barta, RTR, M; Lisa Kotschegarow, RTR, M; Sarah Wynia, RTR; Chris Beltz, RTR, CT, MR; Kelly Weiseler, RTR, M, CT; and Ricardo Santos, RTR, CT, MR. Not pictured: Jeff Hunhoff, RTR; Chanda Mueller, RTR; Alicia Novak, RTR; Sara Peters, RTR; Kevin Pistulka, RTR; Kathy Schneider, RTR; Darby Steffen, RTR; Heather Stukel, RTR; and Holly Wintz, RTR.