

Judge Upholds S.D. Man's Death Sentence

PIERRE (AP) — South Dakota Attorney General Marty Jackley says a judge has upheld the conviction and death sentence of Charles Russell Rhines for the 1992 slaying of a man during a burglary of a Rapid City doughnut shop.

Rhines was convicted in 1993 of the stabbing death of 22-year-old Donnivan Schaeffer. Authorities contend that Schaeffer, a part-time employee at the doughnut shop, surprised Rhines during the burglary.

The South Dakota Supreme Court and the U.S. Supreme Court upheld Rhines' conviction in 1996, but Rhines then filed secondary appeals.

Jackley says Circuit Judge Thomas Trimble's decision to uphold Rhines' conviction and sentence is an important step toward holding Rhines accountable for his actions. But he said the decision still can be reviewed by the South Dakota Supreme Court and federal courts.

Disease Causes Cut In Some Deer Licenses

PIERRE (AP) — South Dakota wildlife officials are reducing the number of deer hunting licenses available in some areas because disease has killed many white-tailed deer.

Epizootic hemorrhagic disease has hit particularly hard in some areas of south-central and southeastern South Dakota.

The Game, Fish and Parks Department says all unsold deer licenses will be removed from some hunting units in Bennett, Gregory and Jackson counties. Another 200 licenses will be removed in Meade County.

The department plans to ask the Game, Fish and Parks Commission to remove all unsold licenses in Bon Homme, Hutchinson and Yankton counties and significantly reduce leftover licenses in Brule and Charles Mix counties.

Officials also are notifying deer hunters that they can get a refund of their license fees if they return licenses before seasons start.

Bedbugs Found Again On UNL Campus

LINCOLN, Neb. (AP) — Bedbugs have been found in one apartment at the University of Nebraska-Lincoln, where officials spent thousands of dollars in battling an outbreak earlier this year.

University spokeswoman Kelly Bartling says the bugs turned up at the University Park Apartments on East Campus. She says treatment experts found nothing when they searched dorms following other recent reports of bedbugs.

The discovery of the insect pests raised an unwelcome reminder of the bedbug battle this past winter at the university. Bartling says the university spent \$450,000 and treated nearly 200 rooms.

Housing director Sue Gildersleeve told television station KOLN/KGIN the university has bedbug policies in place so it "can react very quickly, and it really shouldn't be a big deal from now on to go in and take care" of infestations.

School Of Mines Head Dies

RAPID CITY (AP) — Robert Wharton, the president of the South Dakota School of Mines and Technology in Rapid City has died, the school and South Dakota Board of Regents announced Wednesday.

Wharton, 60, was diagnosed with neck cancer late last year. He went through seven weeks of radiation and chemotherapy treatments at a Rapid City cancer center. He issued a statement last April saying the treatments succeeded and he was cancer-free.

Christy Horn, vice president of university relations, told the *Rapid City Journal* newspaper that Wharton was cancer free at the time of his death but died from complications from the early 2012 treatments.

School of Mines Provost Duane Hrcir has



Wharton

been named acting president, the Board of Regents said.

The school said flags on campus have been lowered to half-staff. Flags also will be lowered at the state Capitol on the day of the funeral, which has yet to be determined, Gov. Dennis Daugaard said Wednesday.

"I was very sorry to hear about President Wharton's passing," Daugaard said in a statement. "Bob was a good friend who did great work for South Dakota at the School of Mines. Linda and I extend our deepest sympathies to Bob's wife, Carolyn, and to their family."

Wharton came from Idaho State to become

Mines' 18th president in July 2008. He received his doctorate in botany from Virginia Polytechnic Institute and his bachelor's in botany and masters in biology from Humboldt State University in California.

Wharton served as executive officer for the National Science Foundation's office of polar programs, participating in 11 expeditions to the Antarctic.

He also was a visiting senior scientist at NASA headquarters in Washington, D.C.

In April, Wharton was selected to serve on the board of the South Dakota Science and Technology Authority, which oversees the operation of the Sanford Underground Research Facility at Homestake in Lead.

Daugaard at the time said Wharton was a strong advocate for the underground lab and research by scientists from South Dakota.

Nebraska

State Sued For Gender Discrimination

BY MARGERY A. BECK

Associated Press

OMAHA, Neb. — Nebraska's federal court will take up a lawsuit that accuses the Nebraska Department of Administrative Services of allowing a supervisor to demean and discriminate against men in her department.

The lawsuit, filed last year by Mike Hoover against the state and two Administrative Services officials, was moved to Nebraska's federal court this week.

Hoover, now of Dallas, says in the lawsuit that while he was employed in the department from March 2007 to February 2010, his supervisor, Amy Archuleta, discriminated against him and other male employees. The discrimination included obscene references made by Archuleta to men in her department and derogatory re-

marks about how "a multitasking woman can outperform a man anytime" and that women are better workers than men, the lawsuit says.

Archuleta also allowed women more flexibility to work from home than men and favored women for pay increases, according to the lawsuit.

When Hoover complained about discriminatory treatment, Archuleta was counseled "regarding the work culture of her team," the lawsuit says. But soon after, both Archuleta and the department's director, Carlos Castillo, retaliated, his complaint says.

Hoover said that he was placed on an improvement plan for not completing work assignments that other employees whose work was not completed did not face. He also said Castillo

directed a supervisor to write up Hoover for alleged abuse of state computer equipment, which Hoover denied.

Hoover said officials agreed to remove all records of those allegations from his disciplinary file, but that Castillo had a co-worker monitor Hoover's work.

"The treatment was such that he had no reasonable alternative but to resign his position," Joy Shiffermiller, an attorney for Hoover, said Wednesday.

Hoover, who says the state and the Administrative Services Department violated his civil rights, is seeking lost wages and damages for pain and suffering, punitive damages and attorney costs.

In its reply to the lawsuit, the Nebraska Attorney General's office denied almost all of Hoover's claims, although it did acknowl-

edge that Archuleta was counseled about her department's work culture.

Bo Botelho, an attorney for the Administrative Services Department, returned messages left for Castillo and Archuleta on Wednesday. He referred questions about the lawsuit to the Nebraska Attorney General's office, but said the department denied the accusations.

A spokeswoman for the Nebraska Attorney General's office said the assistant attorney general could not immediately be reached Wednesday for comment.

NEWS AROUND THE CLOCK

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\$1.6 Billion: N.D. Budget Surplus Still Zooming

BY DALE WETZEL

Associated Press

BISMARCK, N.D. — North Dakota's estimated budget surplus has mushroomed to \$1.6 billion, analysts said Wednesday, which Gov. Jack Dalrymple credited largely to sales tax collections from the prosperous oil economy.

The amount is almost 40 percent of North Dakota's present state general fund spending. In July, analysts pegged the surplus at \$850 million.

As impressive as the number is — more than \$2,300 for every North Dakota resident — it's an understatement of the revenue gushing into the state's treasury. It excludes \$1.9 billion in three restricted state funds and \$1 billion that has been set aside for public works projects and property tax cuts.

"Even the professional forecasters would not have expected the kind of commercial activity, the kind of sales tax collections, that we have seen," Dalrymple said.

The new estimates predict how much revenue the state will have when its current two-year budget period ends June 30. Dalrymple will present his spending recommendations to the Legislature in four months.

The numbers, crafted by state agencies and a national economic consultancy, were presented Wednesday to a legislative committee that has been contemplating proposals for large public-works projects.

"I hope they're correct. We certainly don't want to overestimate our income, and be in a position where it doesn't come through," said Rep. Jeff Delzer, R-Underwood, the chairman of the House Appropriations Committee. "If you look at the history of the last couple of years, it will probably come through."

The largest restricted state fund is the Legacy Fund, which voters created two years ago to stash a portion of North Dakota's oil tax collections. In June, forecasters expect the fund will contain almost \$1.2 billion. It can't be touched for another five years.

North Dakota has risen to No. 2 among the nation's oil-producing states behind Texas, with a fivefold increase in production since 2007. It supplies about 11 percent of the nation's monthly oil output, according to the federal Energy Information Administration.

The surplus amount also does not include a \$687 million fund for public works projects, which was created by the Legislature last year, or a \$342 million fund that has been set aside to pay for local property tax reductions.

The budget estimates also attempt to forecast how much tax revenue the state will collect in its next two-year budget cycle, which begins July 1 and ends June 30, 2015.

The outlook? \$4.9 billion.

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