

Lottery Commissioner Suggests Video Gambling For Teacher Pay

BY BOB MERCER
American News Correspondent

PIERRE — Teacher pay could benefit if video lottery establishments were allowed to produce more revenue for state government, a South Dakota Lottery Commission member suggested Thursday.

Doyle Estes of Hill City offered the idea during the commission's meeting at the Capitol. He said the emphasis on teacher salaries by the governor's Blue Ribbon task force is an opportunity for the lottery commission.

Rather than "piling on" more tax burden on real estate, Estes said the new line-up games increasingly offered at video lottery spots could be a different source for teacher salaries.

Similar to slot machines, the line-up games that became legal in 2011 have proven more popular than the traditional poker, blackjack and keno terminals.

"I think the committee (task force) is open to all options right now," state Revenue Secretary Andy Gerlach responded.

Estes has pushed for years to be ag-

gressive and innovative regarding video lottery.

South Dakota Lottery officials haven't won any significant changes from the Legislature, however. The maximum bet remains at \$2 after more than 25 years of play and video lottery establishments are still limited to 10 terminals.

The teacher-pay issue might be a way for lottery officials to better position, Estes said.

"To me that could be something we could work out," he said, adding that video lottery hasn't kept pace with Deadwood and tribal casinos.

"Everybody else has cranked it up pretty good," Estes said.

Commission chairman Chuck Turbiville, the mayor of Deadwood, praised Estes. "I think those were excellent comments. That is food for thought," Turbiville said.

South Dakota's public-school teachers rank last in the nation with an average salary of just above \$40,000. A \$1,000 raise would cost approximately \$10 million.

Video lottery is on pace to gener-

ate about \$103 million this fiscal year, about \$5 million above last year.

When the South Dakota Lottery won approval from the Legislature in 1987, lawmakers decided that its revenue shouldn't be dedicated to schools, because lottery revenue generally tended to decline in other states after hot starts.

The worry was how to replace the revenue once it started falling.

The Legislature in 1995 however supported then-Gov. Bill Janklow's plan to take 50 percent of the net revenue from the privately owned video lottery machines and apply the money in round-about fashion to reducing property taxes for education.

Through that route, video lottery has been supporting education but only as a substitute for property taxes. Schools didn't receive more funding as the result of video lottery.

Currently there are 1,357 video lottery establishments and 8,923 terminals spread among those locations.

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Attorney: Chairman Acted Courageously

SIOUX FALLS (AP) — Suspended Sisseton Wahpeton Oyate Chairman Bruce Renville should be commended for trying to clean up rampant drug abuse on the Dakotas reservation, not taken to task for an act of courage, a former state U.S. attorney said.

The Tribal Council suspended Renville earlier this month for ordering a surprise mass drug testing of hundreds of tribal government employees in August, calling it a misuse of power. The council will hold a hearing Friday on whether to remove him from office.

Renville, 71, is being represented by former South Dakota U.S. Attorney Brendan Johnson, who works on tribal issues for a Minneapolis law firm. Firing Renville would be a mistake, Johnson told the *Argus Leader* newspaper.

"One of the reasons Chairman Renville was elected was to help reduce the drug problem," Johnson said. "He has a responsibility as chief executive to make sure the workforce on the Sisseton Wahpeton reservation is a drug-free workplace."

Renville didn't order the drug testing for personal gain and was within his rights as chairman to take the action, Johnson said.

The Tribal Council told Renville in a letter that his action fell outside the tribe's personnel policies that spell out conditions for drug testing.

Tribal Vice President and Acting Chairman Garryl Rouseau Sr. declined comment.

Johnson said his client is not guilty of misconduct and that he and Renville will try to turn the focus to "how to improve the process in the future" during Friday's hearing.

"If they were concerned about the way drug tests were carried out, the tribe should absolutely have that conversation and work to fix it," Johnson said. "If there are questions over the chairman's ability to order drug tests of tribal employees, then perhaps the drug policy is too vague and there are problems in the way it is drafted. But those are not reasons to impeach your tribal chairman."

Parents Accused Of Leaving Son In SUV

CHAMBERLAIN (AP) — A Chamberlain couple is accused of leaving their 4-year-old son in a sport utility vehicle outside a bar for about five hours.

The *Daily Republic* reports that 31-year-old Shane Eagle Feather and his 25-year-old wife, Talisa Fleury, each face a felony child abuse charge that carries a maximum punishment of 10 years in prison.

It was not immediately clear if they had an attorney, and a telephone listing for them could not be found.

Authorities say law officers discovered the child about 2 a.m. on Aug. 29 after responding to a report of a domestic assault involving Eagle Feather, Fleury and Fleury's brother.

The boy was not harmed.

3 Arrested After 2 Armed Robberies

SIOUX FALLS (AP) — Sioux falls police have arrested three men after armed robberies at two convenience stores.

Three masked men walked into a Freedom Valu Center store about 2 a.m. Thursday, wielding a handgun and demanding money.

Officers responded to another armed robbery report at a Holiday Stationstore about 3:30 a.m. An officer stopped a vehicle as it left the area, and the three men inside matched the description of the suspects.

Police say they also found items stolen from both stores.

The 18-, 19- and 20-year-old suspects were arrested on robbery, assault and weapons charges.

Man Gets 33 Years In Home Invasion

LINCOLN, Neb. (AP) — A judge denied a Lincoln man's request to take back his plea and sentenced him to 33 to 50 years in prison for a fatal home invasion.

On Wednesday, Lancaster County District Judge Steven Burns denied Joshua Carr's motion to take back his no contest plea in the death of 21-year-old Maurice Williams and moved forward with sentencing.

Carr, 20, admitted Wednesday that he committed a robbery at William's apartment on Aug. 30, 2014, but he claimed that he didn't fatally shoot Williams, *The Lincoln Journal Star* reported.

Carr pleaded no contest in July to charges of manslaughter, attempted robbery and use of a firearm to commit a felony. He asked the judge last week to withdraw the plea, saying he thought he was looking at a life sentence.

At the hearing last week, Sarah Newell of the Nebraska Commission on Public Advocacy argued that Carr should be allowed to withdraw his plea based on new evidence. She said she learned about a witness who told police that Carr's co-defendant, Jomarcus Scott, showed up at his apartment with blood on his shirt, saying he and Carr made a mistake and Williams was dead.

But prosecutors don't believe Scott was involved in William's death. Deputy Lancaster County Attorney Bruce Prenda argued that the witness confused what he saw with a shooting that occurred a week later.

Scott was sentenced in July to 27 to 42 years in prison for shooting a 37-year-old man and for putting a gun in another man's mouth during a home invasion during two separate incidents last September.

Carr will be eligible for parole in 18 years.

Patrol Investigating Hazing Complaints

CAMBRIDGE, Neb. (AP) — The Nebraska State Patrol is investigating accusations of hazing by Cambridge Public Schools students at a summer wrestling camp in Hastings.

The district says two students came forward with complaints and that the district is cooperating with the patrol investigation. No arrests have been reported.

Patrol spokeswoman Deb Collins said Thursday that the investigation is still underway. She declined to provide any specifics on what the students alleged and referred further questions to the Adams County attorney, Donna Fegler Daiss (deyse). Fegler Daiss didn't immediately return a call from The Associated Press.

Rangers Find Body In Dry Creek Bed

BADLANDS NATIONAL PARK (AP) — A body has been recovered from the Badlands National Park after a group of visitors alerted park rangers to an abandoned backpack.

Park officials say the FBI and the Pennington County Sheriff's Office assisted in recovering the remains Wednesday. They say a number of agencies are working together to identify the individual and cause of death.

Park officials say four backpackers notified rangers about a backpack and other personal items they had found in the Sage Creek Wilderness area Tuesday evening. The rangers hiked out to the site Wednesday morning, and after conducting a more extensive search, the remains were found in a dry creek bed at the bottom of the ravine.

Nebraska Death Penalty Foes Challenge Ballot Measure

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska death penalty opponents filed a lawsuit Thursday arguing that a ballot measure to reinstate the punishment is invalid because Gov. Pete Ricketts, who helped bankroll the petition drive, wasn't listed as a sponsor.

The lawsuit in Lancaster County District Court says Ricketts should have been named because of his donations to the Nebraskans for the Death Penalty campaign and his close ties to its managers. It also accuses Ricketts of violating his duty to execute and enforce all state laws — even if he disagrees with them.

"All Nebraskans support our robust tradition of direct democracy — including referendum campaigns," said Alan Peterson, an ACLU lobbyist and lead attorney in the lawsuit. "In the case of the death penalty referendum it is clear that Gov. Ricketts and his supporters failed to do their due diligence and appeared to have cut corners."

Lawmakers voted in May to abolish capital punishment, narrowly overriding

the Republican governor's veto, prompting Nebraskans for the Death Penalty to circulate the petition. It announced last month that it had collected nearly 167,000 signatures, more than three times the minimum number needed to place the issue on the November 2016 ballot. Counties are now verifying the signatures.

Petition signers should have been told the "true and actual sponsors" of the referendum drive because it could have influenced their decision, the lawsuit says. It also argues that Ricketts used his title as governor to raise money in letters to residents over the summer.

The group raised a total of more than \$652,000 from 40 individual donors and seven groups classified as businesses, political action committees and other entities. Ricketts had given \$200,000 as of the last filing deadline on July 31, and has since said that he may contribute more. His father, TD Ameritrade founder Joe Ricketts, had donated \$100,000, according to the latest disclosures. The full amount spent won't be known until the next filing deadline on Sept. 28.

Nebraskans for the Death Penalty spokesman Chris Peterson called the lawsuit a "political attack" and said the group believes a judge will find the group "fully complied with Nebraska law."

Ricketts was in China as part of an international trade mission, but a spokeswoman said she would issue a response later Thursday.

The petition drive was managed by Jessica Moening, a Republican political consultant who is on the governor's private payroll. Peterson worked on the governor's campaign and inauguration teams.

The lawsuit was filed on behalf of Lincoln residents and longtime death penalty opponents Christy and Richard Hargesheimer, who were identified as taxpayers concerned about the petition process. The legal team also includes Jerry Soucie, Amy Miller and Christopher Eichholt, who have fought for years to repeal the punishment.

"Powerful interests like the Governor are not entitled to their own set of rules to pursue their own political objectives," Christy Hargesheimer said. "We are

looking forward to having these issues decided outside of the political arena and before an impartial judiciary."

The defendants are Nebraska Secretary of State John Gale, Nebraskans for the Death Penalty and three people who signed on as group board members: Omaha City Council member Aimee Melton, Lincoln attorney Bob Evnen and Judy Glasburner of Geneva.

Nebraska hasn't executed an inmate since 1997, and the state currently lacks two of the three drugs in its protocol. The Department of Correctional Services spent more than \$54,000 to buy the drugs from Chris Harris, a supplier in India, but the U.S. Food and Drug Administration has said they can't be imported.

Harris tried unsuccessfully to ship the drugs last month via FedEx, Department of Correctional Services spokesman James Foster said Thursday. The package was flagged because of "improper or missing international paperwork" and was returned Sept. 4, according to FedEx's online tracking page.

Feds To Pay \$940M To Settle Claims Over Tribal Contracts

BY MARY HUDETZ
Associated Press

ALBUQUERQUE, N.M. — The Obama administration has agreed to pay hundreds of Native American tribes nearly \$1 billion to settle a decades-old claim that the government failed to adequately compensate tribes while they managed education, law enforcement and other federal services.

The Interior Department announced the proposed \$940 million agreement in Albuquerque on Thursday along with leaders from the Oglala Sioux Tribe, Zuni Pueblo and Ramah Chapter of the Navajo Nation. They were among the lead plaintiffs in a contract-dispute lawsuit filed on behalf of more than 600 tribes and tribal agencies. They brought the case in 2012 before the U.S. Supreme Court, where justices ruled for the tribes.

They had argued underfunded federal contracts dating as far back as the 1970s often left them to face shortfalls as they tried to meet critical needs in their communities, ranging from health services to housing.

The settlement still must be approved in federal district court.

"Deep and painful cuts were made every year," said Val Panteah, governor of Zuni Pueblo, resulting in what he described as "a financial death spiral" for his community in eastern New Mexico. He said poverty, inadequate health care and education present major challenges for the pueblo.

Oglala President John Yellow Bird

Steele said the \$940 million negotiated with the government was a fair settlement for tribes.

The Interior's proposed payout would represent the latest in a series of recent major settlements addressing years of legal disputes between tribes and the federal government.

"When the plaintiffs in this case forced the administration to confront an issue that had festered for decades, the administration embraced the principle that the plaintiffs won in court," said Kevin Washburn, the Interior Department's Assistant Secretary for Indian Affairs. "We have fully funded these costs ever since."

Interior Secretary Sally Jewell said she expected the case would be fully settled in 2016 if there aren't appeals. After that, tribes that file for compensation under the settlement could receive funds within a month of filing their claim, according to lawyers for the tribes.

More than 600 tribes and their agencies are members of the plaintiff class in the lawsuit.

At a minimum, a tribe could be compensated \$8,000 for a year of underpaid contracts as part of the lawsuit, said Michael Gross, a lawyer for the Oglala Sioux Tribe and Zuni Pueblo in the case.

The Navajo Nation stands to gain \$58 million — the largest sum for a single plaintiff under the settlement — in light of claims federal agencies shorted the tribe on contracts for nearly a decade.

friends will be held on Tuesday, Sept. 22, from 2-4 p.m. at the Wintz Funeral Home in Hartington. A private burial of her cremated remains will be at the Hartington City Cemetery.

Glenda Folkers

Glenda J. Folkers, 74, of Hartington, Nebraska, died on Wednesday, Sept. 16, 2015, at Avera Sacred Heart Hospital in Yankton.

A gathering of family of

IN REMEMBRANCE

Loretta List
2:00 PM, Saturday
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Yankton Area Concert Association

A group of us from Yankton were in Norfolk last Friday night to hear Ernie Haase and the inspirational Broadway quartet. They were absolutely phenomenal. ~ Vicki Ramsey

Join us for the first concert of the season for Yankton Area Concert Association

Inspirational Broadway

Saturday, September 19 • 7:30pm
Summit Activities Center

If you don't have your membership yet, get it at the door Saturday evening and enjoy 6 more concerts including the Hegg Brothers at Christmas time!