

Judge Rules Against Libertarian Party

BY CARSON WALKER
Associated Press

SIOUX FALLS — A federal judge ruled Thursday against the South Dakota Libertarian Party in an attempt to add its Public Utilities Commission candidate to the November general election ballot.

U.S. District Judge Lawrence Piersol heard arguments and concluded Secretary of State Jason Gant followed state law last week in declaring Ryan Gaddy, of Sioux Falls, ineligible to run for the office because he didn't change his party affiliation from Republican in time to be nominated at the Libertarian convention.

"It seems to the court Secretary Gant had no alternative other than to deny the application," Piersol said.

He also deemed constitutional a state law requiring candidates to be members of the party that nominates them.

The ruling allows Gant to print



Gant

ballots, which are required to be in county auditors' offices by Sept. 17, two days before absentee voting starts.

"It's unfortunate that his name won't be on the ballot," Gant said. "All he had to do was register to vote the day before and his name would have been on the ballot and South Dakotans would have had the opportunity to determine whether they wanted him as their next public utilities commissioner."

Gaddy changed his party affiliation from Republican at the Libertarian convention, but the official paperwork wasn't filed until later. That meant Gaddy was still a Republican at the time of his Libertarian nomination, a violation of state law, Gant argued.

Assistant Attorney General Richard Williams told Piersol that the law preserves party rights and is a minimal

burden. Libertarian Party attorney Edward Welch argued it's unconstitutional and that not putting Gaddy on the ballot infringes on his and the party's rights.

"What happened today was a technicality loss. I still believe my First Amendment rights have been violated because I personally allied with the Libertarian platform on many levels of their planks," Gaddy said after the hearing. "There's no conflict of, 'Was I a Republican who was just marauding as a Libertarian for a day?'"

The three candidates for utilities commissioner will be incumbent Sioux Falls Republican Gary Hanson, Yankton Democrat David Allen and Constitution Party candidate Wayne Schmidt, of Moberge.

The Libertarian lawsuit was the second this month challenging Gant's candidate approval decisions. He lost a case filed by independent governor candidate Mike Myers asking Gant to let him change his running mate.

Officials Work To Replace DSPC Paneling

SIOUX FALLS (AP) — Contractors at the Denny Sanford Premier Center in Sioux Falls are going to try new techniques to install the center's metal paneling that they hope won't cause the exterior to bulge and ripple.

The city of Sioux Falls hired a design firm to look into the issue with the center's metal paneling in June. The flat horizontal metal panels are bulging where they join along the curved face of the building.

Contractors will tear panels from two test areas and install new sheets of metal starting September 8. Officials say installing them will take up to a month.

All panels on the building will be replaced once a best method is determined.

The city borrowed \$115 million to build the facility that will host hockey, football, basketball, rodeos and concerts.

Voters To Decide \$25M School Measure

HARRISBURG (AP) — Voters in the Harrisburg School District near Sioux Falls will decide a \$25 million bond measure to fund expansion projects and program upgrades.

The *Argus Leader* newspaper reports that school board members voted this week to schedule an Oct. 7 election. The measure will require 60 percent approval to pass.

The measure would fund a new elementary school, a high school expansion and other improvements.

The school district has grown from about 900 students in 2003 to nearly 3,600 this fall. The district had two schools 10 years ago, and it has eight now, including four in Sioux Falls.

S.F. Woman Pleads Guilty In Drug Case

SIOUX FALLS (AP) — A Sioux Falls woman has pleaded guilty to her role in a federal drug conspiracy case linked to a Sioux Falls homicide.

Fifty-five-year-old Theresa Rasmussen was charged in March along with her daughter, Faith Rasmussen, and two others. She pleaded guilty Wednesday to a drug conspiracy charge and faces up to five years in prison when she is sentenced Nov. 17.

Faith Rasmussen is scheduled to plead guilty to charges on Tuesday. She was the girlfriend of Jordan LeBeau, a marijuana dealer who was killed last December in what authorities said was a botched robbery planned by other dealers in the Sioux Falls area. Two Watertown teenagers this month pleaded guilty to assault and manslaughter in LeBeau's slaying.

Authorities say the drug conspiracy involved more than 200 pounds of marijuana.

Janklow Papers Collection To Be Posted Online

VERMILLION (AP) — A collection of records spanning the political career of former Gov. Bill Janklow will be made public via the Internet later this year, the University of South Dakota announced.

The Janklow Papers collection includes almost 500 boxes of government records and political papers starting when he was a legal aid lawyer, through his stints as attorney general, governor and congressman, the *Argus Leader* newspaper reported.

Janklow died of brain cancer in 2012 at age 72. He left the collection to the University of South Dakota, his alma



Janklow

mater, on the condition that the records be digitized and made available to the public.

The project could take four more years to complete, said Dean of Libraries Daniel Daily, one of several speakers Wednesday as the university dedicated a portrait of Janklow in Farber Hall. The painting by Watertown artist Joshua Spies depicts Janklow toward the end of his career giving one of his 16 state-of-

the-state addresses during his four terms as governor. It joins portraits of nine other former governors who attended the university.

Janklow's granddaughter, Lindsey Janklow, is a senior at the school and also spoke at the ceremony.

"I am so proud of my grandpa. I am proud that other students will get to view his portrait. I know that he would be especially proud of this ceremony if he was here," she said. "It's comforting to know that my grandpa and I shared the same halls that I walk through today."

Janklow's papers should

hold immense interest for historians and political scientists. They cover significant periods in state history, including confrontations with the American Indian Movement and the emergence of South Dakota as a banking hub.

Joseph de la Rosa, a law student working on the project, said he was struck by the volume of correspondence Janklow received, from people from all walks of life.

"It was not always a relationship of love, but it was a relationship that lasted a long time," he said.

Chambers: Heineman Shouldn't Run NU System

LINCOLN, Neb. (AP) — State Sen. Ernie Chambers says Gov. Dave Heineman is incapable of running the University of Nebraska system and should end his "vain pursuit" of the president's post.

Heineman has applied to replace system President J.B. Milliken, who is now chancellor of the City University of New York. Heineman must leave office in January because of term limits.

Chambers, of Omaha, wrote Heineman a letter to explain why "you are not possessed of the temperament, disposition, character or overall qualifications to serve as the president of the university and to suggest that you terminate your vain pursuit." The



Heineman

42-page letter also went to the university's Board of Regents, the *Lincoln Journal Star* said.

Two committees are involved in finding a replacement, but finalists for the position have not been named. The regents will decide who should succeed Milliken.

Heineman's spokeswoman, Jen Rae Wang, said the governor wouldn't comment on Chambers' letter.

In his 10 years in Lincoln, the governor has been involved in budget and other

issues facing the university system and holds a bachelor's degree from the U.S. Military Academy at West Point.

The outspoken Chambers is well-known for criticizing Heineman on the floor of the Legislature and in letters to fellow senators and the media. In July, Chambers angrily denounced the governor for his attempts to identify the unaccompanied immigrant children who were brought to Nebraska, and accused him of politicizing a humanitarian crisis.

The letter recounts what Chambers described as debacles that illustrate Heineman's leadership failures: privatization of child welfare and other

Health and Human Services Department problems; management, treatment and abuse problems at the Beatrice State Developmental Center for developmentally disabled residents; and miscalculations of prison sentences and early releases of state prison inmates.

"My advice, which you will no doubt disregard with a snort, is: Give up this fool's quest, this jousting with windmills and squelch this burgeoning, embarrassing fiasco," Chambers told the governor.

Pressler Honors One Feather At Wake

PINE RIDGE (AP) — Independent U.S. Senate candidate Larry Pressler has joined mourners in South Dakota to honor legendary Oglala Sioux leader and former tribal president Gerald One Feather, who died last week.

One Feather's widow presented Pressler with a tribal star quilt during funeral proceedings Wednesday. She says it recognizes Pressler's work on behalf of Native Americans during his 22 years in Congress. Pressler is a former Republican and served two House terms followed by three Senate terms from 1975 to 1997.

He says his friend's life would inspire him to legislate the expansion of tribal community colleges if he is elected.

One Feather died at age 76 after a massive stroke.

Pressler, former Republican Gov. Mike Rounds, Democrat Rick Weiland and independent Gordon Howie are seeking the seat being vacated by retiring Sen. Tim Johnson.

Newspaper Machines Face New Rules

BY BOB MERCER
State Capitol Bureau

PIERRE — The state Department of Transportation soon will have more control over the newspaper vending machines at South Dakota highway rest stops.

The first set of rules governing the machines won approval Thursday from the state Transportation Commission.

Final clearance is needed from the Legislature's rules review committee.

The machines in many cases aren't traditional newspapers but instead focus on people looking for companions.

Poor condition and lack of regulation led to the proposed rules, according to DOT lawyer Bill Nevin.

The machines often create "an unsightly condition" that doesn't reflect well on South Dakota, he said.

The rules require registration by device owners and make clear DOT's ability to remove machines.

"Everything here is all new," commissioner Bob Benson of Winner said.

Nevin said DOT workers regularly are at rest areas and non-compliant machines will be easily identified. "I think we'll be able to enforce it quite well," he said.

Some have more than six machines and some have more than one machine for the same publication at one rest stop, Nevin said. The new limits would be six per rest stop and one per publication.

There is no fee and "first-come first-served," Nevin said.

Commission chairman Michael Trucano of Deadwood asked whether there should be a limit per person because otherwise someone could control all of the slots at a rest area.

Benson asked why there isn't a fee. "That would limit some of this," he said.

Nevin said a fee opens the door to a free-speech argument. "Signs are treated differently under the First Amendment than newspapers," Nevin said.

Greg Fuller said DOT

workers have been dealing with "a handful of individuals at the most" and the administrative costs "will be minimal."

One company has allowed dilapidated machines to be removed already, according to Nevin.

"I think it's unlikely somebody is going to monopolize all six," commissioner Don Roby of Watertown said.

Nevin said the machines likely will be moved away from entry and exit doors so travelers' access won't be impeded.

"We've done that informally and I anticipate that will now be a more formal process," Nevin said.

There wasn't any public comment offered at the hearing. The commission approved the rules on a voice vote without opposition.



HAPPY LABOR DAY

It's time to salute the hardworking men and women who keep America going strong. Your dedication, commitment and work ethic are the backbone of our country's continued success. We hope you enjoy a well-deserved day off, and a safe and relaxing holiday weekend.

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