

Group Keeps Policy On Transgender High School Athletes

BY JAMES NORD
Associated Press

PIERRE — South Dakota's high school activities association on Thursday largely maintained its policy allowing transgender student athletes to request to play on the team of their choice, increasing the likelihood Republicans in the statehouse will push legislation to change it.

The South Dakota High School Activities Association Thursday gave preliminary approval to some revisions to the 2014 policy such as establishing an independent hearing officer — rather than a committee — to evaluate applications. But they retained the basic policy of allowing students to request their choice of team. A legislative committee studying the association voted last week to draft a measure to confine students to the team matching the gender on their birth certificates, which could go to the Legislature in the upcoming session.

The association's policy

aims to provide a way for transgender students to participate on the sports teams that reflect their gender identities rather than the sex listed on their birth certificates. So far, a transgender student hasn't made a request under the policy.

Linda Whitney, a member of the association's board of directors, said the changes to the policy, which could be finalized at a November meeting, are an improvement.

"I do hope that this helps (lawmakers) understand that we are listening to them and their concerns," Whitney said. "We're trying to revise it because our member schools have indicated to us, and we serve member schools, that they want us to have a policy."

But Whitney said if lawmakers pass a birth certificate requirement, "we will certainly abide by that."

Republican Rep. Jim Bolin, who authored a legislative proposal to void the board's policy last session and is one of the leaders of

the study committee, said he would not support a policy that doesn't include the birth certificate requirement.

"It's an issue that I don't think will go away because it involves a contradiction of an official state document by minors," Bolin said.

Efforts to block the policy during the 2015 session stalled in the South Dakota Senate after easily passing through the House.

Incoming Senate Majority Leader Corey Brown, a Republican from Gettysburg, said he thought last session that a fix should come from the activities association rather than the Legislature.

"I'm hopeful with the attention that's been here they'll take a close look at that tomorrow and maybe have some revisions that will fit closer to where some of the public sentiment seems to be at," Brown said ahead of the meeting. "Short of that happening, I would probably agree that I would expect the issue to be back before the Legislature if it's not resolved."

The revised policy would require a student and parent to notify the school that a student wants to play on the sports team that matches their gender identity, and the school would assist in gathering documentation.

The school would submit the application and documentation to the association for review by an independent hearing officer who must be a licensed attorney and a member of the State Bar of South Dakota. The student or the student's school could appeal the hearing officer's decision to the association's board of directors for a final decision.

Kendra Heathscott, head of transgender services at the Center for Equality in Sioux Falls, said that lawmakers trying to repeal the policy need to realize that transgender students want to have opportunities that other students have.

"We will fight this until trans kids are just called kids," Heathscott said.

Judge Blocks Obama Administration Regulation On Waterways

BY JAMES MACPHERSON
Associated Press

BISMARCK, N.D. — A federal judge in North Dakota on Thursday blocked a new Obama administration rule that would give the federal government jurisdiction over some smaller waterways just hours before it was set to go into effect.

U.S. District Judge Ralph Erickson in Fargo issued a temporary injunction requested by North Dakota and 12 other states halting the U.S. Environmental Protection Agency and Army Corps of Engineers from regulating some small streams, tributaries and wetlands under the Clean Water Act. The rule, which has prompted fierce criticism from farmers among others, was scheduled to take effect Friday.

North Dakota Attorney General Wayne Stenehjem, who filed the injunction request, said his reading of the ruling was that it applied to all 50 states, not just the 13 that sued. But the EPA said in a statement that it applied only to the 13 and it would be enforced beginning Friday in all other states.

The 13 states exempted

for now are Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota and Wyoming.

Erickson, who was appointed by President George W. Bush in 2003, said the EPA had exceeded its authority in issuing the regulation.

"The risk of irreparable harm to the states is both imminent and likely," Erickson said in granting the request from the 13 states. The judge said that among other things, the rule would require "jurisdictional studies" of every proposed natural gas, oil or water pipeline project in North Dakota, a state which is at the center of an energy exploration boom.

"While the exact amount of land that would be subject to the increase is hotly disputed, the agencies admit to an increase in control over those traditional state-regulated waters of between 2.84 to 4.65 percent," the judge wrote.

The 13 states say the regulation is unnecessary and infringes on their sovereignty. The federal government says the new rule clarifies ambiguity in the law and

actually makes it easier for the states to manage some waterways

"This is a victory in the first skirmish, but it is only the first," North Dakota's Stenehjem said in a statement. "There is much more to do to prevent this widely unpopular rule from ever taking effect."

The agriculture industry has been particularly concerned about the regulation, saying that it could apply to drainage ditches on farmland. The EPA and Army Corps said the only ditches that would be covered under the rule are those that look, act and function like tributaries and carry pollution downstream. A tributary would be regulated if it shows evidence of flowing water such as a bank or high water mark, the EPA said.

The new rules would have forced landowners to get a permit if they took steps that would pollute or destroy the regulated waters connected to larger bodies of water downstream.

The judge said the rule appears to be too broad in some cases. He said the definition of tributary, for example, could include many waters that are unlikely to

have a significant connection to larger waters downstream. He also said the rules are "arbitrary and capricious," and would cover some waters that are "remote and intermittent."

For example, the judge said Wyoming would have to bear the cost of issuing permits and has no way of avoiding the increased expenses under the regulation.

State officials in North Dakota said the new rule will cost the state millions of dollars and take away from more important programs.

Stenehjem — along with attorneys general and officials from 30 other states — wrote last month to the EPA and the Army Corps asking that the law be postponed at least nine months. Lawyers for the states said they heard nothing back from the government, so they filed a request for the preliminary injunction.

The federal government said the request for an injunction was better suited to be heard by the 6th U.S. Circuit Court of Appeals rather than a federal judge, but Erickson rejected that notion.

Senators Begin Review Of School Aid, Property Taxes

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska lawmakers kicked off a review Thursday of school funding and its impact on local property taxes, an issue that has divided the Legislature in years past.

The Revenue and Education committees convened along with mediators who will try to help senators agree on recommendations to one of the most persistent problems that lawmakers face.

Nebraska's public schools rely heavily on property taxes, but rising agricultural land values have forced farmers and ranchers to pay an increasing share of the cost even when their incomes decline. At the same time, urban senators with fast-growing districts want to protect state aid for their schools.

The joint committee's first meetings are intended to generate ideas for possible legislation when the Legisla-

ture convenes in January. On Friday, committee members will get a briefing from Andrew Reschovsky, a tax policy and education finance expert from the University of Wisconsin.

"I think this can be approached in a variety of different ways," said Sen. Kate Sullivan of Cedar Rapids, chairwoman of the Education Committee.

"My hope is that we end up with several potential solutions that we can take to the public hearing to get reaction."

Possible ideas include a boost in state aid, expanding the sales tax base or finding new taxes that would allow school districts to lower their levies. None of the suggestions are firm, but the joint committee is intended to help senators sort through them, said Sen. Mike Gloor, chairman of the Revenue Committee.

"We've tried to set up a process that gives us the best chance of that," said Gloor, of Grand Island. "We're still moving in the right direction."

Nebraska's school aid formula distributes money by calculating a school's needs and subtracting what it can generate through local property taxes and a few other sources. The difference between a district's needs and its local resources determines how much state "equalization" aid it receives.

Nebraska's schools received \$3.8 billion in funding from various sources in the 2013-14 school year to cover operating and construction costs. Local property taxes accounted for nearly \$1.7 billion of their operations funding and \$228 million in construction funding. The rest came from the state and federal government, fees and other sources.

The joint committee has scheduled a Nov. 12 public hearing to get feedback on its recommendations.

USGS, NASA Celebrate Partnership

SIoux FALLS (AP) — The U.S. Geological Survey and NASA are celebrating 25 years of partnership at the USGS Earth Resources Observation and Science Center.

The agencies set up their partnership at the EROS Center north of Sioux Falls in August 1990 to collect and disseminate critical land remote sensing information. The facility makes more than 2,450 data-filled images of the Earth available for download each day.

NASA in April 2013 launched Landsat 8, its newest Earth-observing satellite. Images archived at the EROS Center help document forest fires, tsunamis and everyday changes in the Earth's geography.

Representatives from NASA, the Department of the Interior and the USGS will be on hand Thursday to honor the long-standing partnership. Former U.S. Sen. Larry Pressler and Lt. Gov. Matt Michels are also scheduled to appear.

SD Drought Free For Second Week

SIoux FALLS (AP) — South Dakota is completely drought free for the second straight week.

Not a single section of South Dakota in the latest U.S. Drought Monitor map is reporting even the lowest of drought conditions.

The National Weather Service's Sioux Falls office says the back-to-back weeks mark the first time the state has been completely drought free since July 2011.

The weekly maps are put out by the National Drought Mitigation Center at the University of Nebraska-Lincoln, the U.S. Department of Agriculture and the National Oceanic and Atmospheric Administration.

Supreme Court Upholds Rape Conviction

SIoux FALLS (AP) — The South Dakota Supreme Court has upheld the conviction of a Sioux Falls man convicted of repeatedly molesting a 12-year-old girl.

Terry Lee Oleson pleaded guilty to first degree rape in 2008 and was sentenced to 70 years in the State Penitentiary. Circuit Judge Brad Zell at the time ordered that Oleson not be eligible for parole for 52 years, saying he has a record of sex crimes and it's unlikely he can be rehabilitated.

Oleson did not appeal his conviction but later petitioned for habeas relief, saying his plea was unconstitutional. The Supreme Court rejected Oleson's claim this week.

Attorney General Marty Jackley says he's glad that the victim of the violent crime will not be subjected to revictimization.

Sanford Seeks Patients To Test Vaccine

SIoux FALLS (AP) — Sanford Health is seeking 30 patients from Sioux Falls and Fargo, North Dakota, to enroll in a clinical trial testing an Ebola vaccine.

The program, which is sponsored by Merck, will explore the vaccine's ability to safely generate antibodies that could protect against future exposure to the virus. Trial participants are required to receive a single shot. Ninety percent will get the vaccine, and the remaining 10 percent will receive a placebo.

The study is open to adults ages 18 to 65 who have not previously had Ebola or been in contact with someone who has contracted the virus.

The Centers for Disease Control and Prevention says Ebola attacks the immune system and organs and causes internal and external bleeding.

Sanford Health is based in Sioux Falls and Fargo, N.D.

Suspect Arrested In 2 Armed Robberies

RAPID CITY (AP) Rapid City police have arrested a suspect in two recent armed robberies.

The 19-year-old city resident is accused in the Saturday robbery of a convenience store and the Sunday holdup of a casino.

Officers say they found the man hiding in an apartment closet and arrested him shortly before midnight Wednesday on robbery and conspiracy charges.

The Sunday morning robbery was the fifth in Rapid City in a two-week span.

Man Pleads Guilty In Meth Bust

SIoux FALLS (AP) — The husband of an in-home day care operator in Sioux Falls has pleaded guilty to his role in a yearlong methamphetamine operation the couple ran out of their child care center.

Thirty-three-year-old Adam Darger pleaded guilty to possession of a controlled substance and maintaining a place where drugs are kept, sold or used. Prosecutors dropped remaining charges in exchange for his plea.

He pleaded guilty Thursday, a day after his 34-year-old wife, Jennifer Darger, pleaded guilty to drug charges and contributing to the abuse or neglect of a minor.

The two were arrested in March after a tip from the couple's daughter led police to search their home. They'll be sentenced in October.

Tribe Says Marijuana Not Behind Split

FLANDREAU (AP) — The Flandreau Santee Sioux Tribe's decision to end a longstanding policing agreement with the city of Flandreau predated the tribe's decision to legalize marijuana, a tribal attorney says.

Inadequate policing and the city's poor relationship with the tribe were the reasons behind the tribe's decision to end the 16-year policing agreement, effective Sept. 4, attorney Seth Pearman told the *Argus Leader*.

"I think there's a general lack of cooperation to work with the tribe in adequately policing the tribal lands," he said.

The city of Flandreau is on the border of the tribe's reservation and not affiliated with the tribal government. The tribe gave the city a 90-day notice in June that it is ending a 16-year law enforcement contract and forming its own police department.

Flandreau Mayor Mark Bonrud said earlier that he thinks the move is related to the tribe's decision to grow and sell marijuana for recreational and medicinal use by the end of the year. The tribe estimates a monthly profit of up to \$2 million from a 15,000-square-foot recreational area.

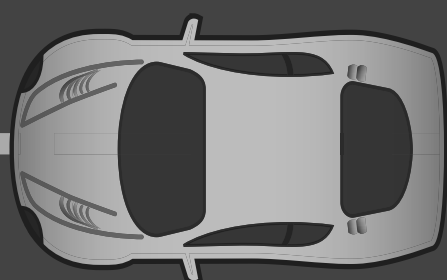
The tribe's marijuana legalization vote in June came six months after the U.S. Justice Department outlined a new policy allowing sovereign American Indian tribes to grow and sell marijuana on tribal lands under the same conditions laid out for states that have legalized the drug. Law enforcement authorities across South Dakota have voiced concerns about problems that legalizing marijuana might cause, from impaired driving to marijuana trafficking.

Flandreau Police Chief Anthony Schrad said his officers would have been able to arrest non-Native Americans for marijuana use.

"Obviously, from a business standpoint, you can see why you can't have us in there, because we could essentially arrest everyone who is non-Native," he said. "That's why I personally believe the joint power agreement was terminated."

The tribe denies that claim. City officers would have needed permission to go in the tribe's marijuana facility, Pearman said.

P&D CLASSIFIEDS WORK FOR YOU! CALL (605) 665-7811



Getting you
on the road quicker...

Auto Loans From...

800-491-4309 • Yankton • Springfield • Parkston • www.scfcu.net

NCUA
Federally Insured

Services
enter

Federal Credit Union...
It's Where You Belong!