

S. Dakota Communities Awarded State Grants For Various Projects

BY BOB MERCER
State Capitol Bureau

PIERRE — Six South Dakota communities received approval for grants Tuesday from the state Board of Economic Development.

The funds were awarded under the new Building South Dakota Fund created by the Legislature last winter.

The state board approved economic development partnership grants for staff, training and equipment purposes of \$52,230 for the Faulkton area program; \$21,700 for the Gettysburg-Whitlock Bay Development Corp.; \$62,275 for the Lake Francis Case Development Corp.; and \$54,000 for the Wounded Knee Development Corp.

The board also denied one infrastructure improvement grants of \$100,000 for the city of Castlewood relating to the grain terminal and \$200,000 for the city of Milbank related to its hospital project.

The board denied economic development grants sought by the city of Wagner for \$49,000; the Gettysburg-Whitlock Bay revolving loan fund for \$25,000; and the Wessington Springs Area Development Corp. for \$5,000.

The board also denied one infrastructure improvement grant that was requested by the city of Pierre for \$354,285 related to the Menard's hardware-store project.

In other action, the board accepted the annual Legislative Audit report regarding the previous fiscal year's operations.

"We had no findings. Very good review," said Kim Easland, a finance official in the Governor's Office of Economic Development.

S.D. Lawmaker Will Propose Repeal Of Death Penalty

BY CHET BROKAW
Associated Press

PIERRE — A state lawmaker who previously supported the death penalty says he will ask the 2014 South Dakota Legislature to repeal capital punishment.

Rep. Steve Hickey, R-Sioux Falls, who also is a pastor, said he changed his mind about the death penalty after reviewing the Bible. He said he also believes it does not deter people from committing horrible crimes, save money or improve public safety.

Hickey said his bill would apply only to future cases.

The lawmaker also said he believes life in a cramped prison cell can be a more severe punishment than executing murderers by quietly putting them to sleep with drugs.

"There is an existence worse than death," Hickey said. "If you really want to take away someone's life, then take away their life but not their breath."

South Dakota Attorney General Marty Jackley said he will oppose Hickey's bill because he believes the death penalty is appropriate for the most vile crimes and is used sparingly in South Dakota. He said it deters crime and particularly protects prison staff, other inmates and medical personnel



Hickey

from convicted murderers housed in prison.

"There is a place for capital punishment. It's a very limited place," Jackley said. "Our prosecutors, our juries and our judges have used it very sparingly, only for the most egregious and appropriate cases."

Hickey said he doesn't want to reopen old cases, so his bill would not change the death sentences faced by the three convicts currently on death row. They are: Charles Russell Rhines, convicted of the 1992 slaying of a man during the burglary of a Rapid City doughnut shop; Briley Piper, convicted of the 2000 killing of a man near Spearfish; and Rodney Berget, convicted of the 2011 killing of a prison guard during a botched escape attempt.

"Just draw a line in the sand from here on, is kind of my hope," Hickey said.

The pastor at Church at the Gate in Sioux Falls said he became opposed to the death penalty after a fresh study of the Bible and the emphasis Jesus put on redemption and not retribution in justice. But he said his arguments to the Legislature will not deal with theology.

Hickey said he does not believe capital punishment deters crime, provides closure for most victims' families, saves money in legal appeals or makes people safer.

"The other thing that changed my mind on this is I saw a list of the nations that kill people," Hickey said. "We're on this list of about 10 of the worst nations on Earth. It's the wrong group to be in," Hickey said.

Hickey said about 20 of the 70 members of the state House of Representatives are steadfast supporters of the death penalty, 20 are ready to repeal it and the other 30 are open to discussing it. He said he expects his bill will face a tougher challenge in the Senate.

Senate Republican Leader Tim Rave of Baltic said he remains a supporter of the death penalty.

"Unless I saw something that was new and compelling from the past arguments, I don't see myself changing my position on that," Rave said.

Jackley said South Dakota, which has executed three people since 2007, uses a constitutional method of lethal injection and executes only convicts who are clearly guilty of horrible crimes.

Death penalty cases do not increase appeals costs because those sentenced to death follow the same appeals process as other convicts, Jackley said.

Neb. Net Tax Receipts Above Estimates

LINCOLN, Neb. (AP) — The Nebraska Department of Revenue says net tax collections in November were nearly 5 percent higher than projected.

A report released Tuesday says net tax receipts for the month totaled \$327 million, up from the \$312 million in Nebraska's certified forecast.

The report says net individual, corporate, sales-and-use and miscellaneous taxes all came in above projections. The net corporate tax was more than 44 percent higher than the state's official estimates.

The comparisons were based on the Nebraska Economic Forecasting Advisory Board's April forecast. The forecast was adjusted for legislation passed in 2013 and divided into monthly estimates.

S.D. Guard Soldiers Back On U.S. Soil

PIERRE (AP) — A South Dakota National Guard unit that spent four months in Afghanistan is back on American soil.

The 68 members of the Pierre-based 152nd Combat Sustainment Support Battalion landed at Fort Hood, Texas, early Tuesday. They are expected to return to South Dakota sometime next week after going through the demobilization process.

The battalion had its tour of duty shortened twice — from a year to nine months, then to four months. While overseas the group provided support in areas including supplies, maintenance, transportation and weapons.

Complaint Against Neb. Judge Rejected

OMAHA, Neb. (AP) — A state commission that oversees judges will not investigate a district judge who told a 16-year-old state ward who was seeking an abortion that doing so would "kill the child inside you."

The Nebraska Commission on Judicial Qualifications rejected a complaint on Friday that was filed earlier this year by two abortion rights groups against Douglas County District Court Judge Peter Bataillon, the *Lincoln Journal Star* reported.

The groups, NARAL Pro-Choice America and RH Reality Check, also submitted an online petition with nearly 90,000 signatures to the commission in October urging an investigation into Bataillon.

Bataillon was once chairman of Omaha anti-abortion group Metro Right to Life and represented anti-abortion protesters in court before he was appointed as a judge.

In rejecting the complaint, Commission Secretary Janice Walker said the commission had no authority to second-guess a judge's determinations.

"(The commission) is prohibited from taking any action absent clear and convincing evidence of fraud, corrupt motive or bad faith," Walker's finding said.

Students Scramble To Finish GED Tests

LINCOLN, Neb. (AP) — Nebraska students are scrambling to finish their GED testing, lest they have to start over again with new tests next year.

"We're just swamped with people trying to get their GED testing done," Vicki Bauer, director of adult education for the Nebraska Department of Education, told the *Lincoln Journal Star*.

One earns a General Educational Development certificate by passing tests on reading, writing, social studies, science and math. Its high school equivalency is accepted by employers and universities.

The GED Testing Service will release a new series of tests next year, so test results on the current series won't be valid, Bauer said.

In May the state sent letters to more than 7,200 people who had begun earning their GEDs. The letters warned them of the approaching year-end deadline.

Nebraska

Lawmakers Eye Ways To Improve College Savings

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Lawmakers will debate a bill next year designed to help low-income families participate in Nebraska's state-sponsored college savings plan.

Sen. Rick Kolowski of Omaha said Tuesday he will introduce the measure, which would remove a barrier for low-income families.

"If students save for college, no matter how small that amount is, they're more likely to go to college," Kolowski, a retired high school principal, said Tuesday at a legislative hearing. "The earlier they start to save, the earlier they get on that track."

The measure would exclude the college-saving plan, scholarships and work-study income from the formula that determines whether a person qualifies for public benefits. The formula disqualifies applicants who have too many assets or too much income.

The Nebraska Retirement Systems Committee convened the hearing as part of a legislative study of the state plan. Kolowski said his measure would include aid to dependent children, child care subsidies and a home-energy program for low-income residents.

Nearly half of the families participating in Nebraska's state-sponsored college savings plan make at least \$100,000 per year, according to the state Department of Revenue. Families with an adjusted gross income of more than \$100,000 accounted for nearly 45 percent of the plan's participants. Families who made less than \$50,000 per year accounted for less than 7 percent.

Nebraska's "529 plan," named after the federal tax code, allows families to save for future education expenses in a tax-advantaged investment account.

More than 12 percent of minors in Nebraska are enrolled in a savings plan, said State Treasurer Don Stenberg. Stenberg said his office has already worked to promote the savings plan statewide and reached out to grandparents to contribute to the college savings accounts. The treasurer's office also uses drawings and a series of scholarships to promote the plan, he said.

Reaching out to low-income families "is part of the challenge," Stenberg said. "It's important to note, though, that not every low-income family will stay a low-income family throughout their lifetime. A lot of folks are getting out of college. I think you have to take into account that some of the folks who may not be able to put money into a savings account now may be able to five years from now."

The plan charges a 0.30 per-

cent fee on investments — a 0.27 percent management fee for First National Bank, which manages the plan, and 0.03 percent that goes to the state for staff and operating expenses.

Nationally, the cost of higher education has increased faster than incomes, said Aubrey Mancuso, a policy coordinator of the advocacy group Voices for Children. The average cost of tuition and fees at a public, four-year institution in Nebraska has increased by 16 percent over the last five years, while median income increased by 2.2 percent without accounting for inflation.

Mancuso pointed to Kansas and Nevada, which have adopted laws to encourage early savings in their plans.

Kansas provides matching deposits of up to \$600 per year for each child in a family that makes less than 200 percent of the federal poverty level — about \$47,000 for a family of four. In Nevada, students enrolled in a public kindergarten class will receive \$50 contributions over the next three years.

Mancuso said early college savings also have been shown to increase the odds that a student will want to go to college.

"It's harder for people to get through the door, and those who are getting through the door are increasingly paying for it with loans," Mancuso said. "... One thing that's become clear on this is that interventions at the high school level are starting too late."

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