

Legislature Passes Limit On Inmate Appeals

PIERRE (AP) — A measure aimed at preventing death-row inmates from filing repeated appeals in an effort to delay their executions won final approval Tuesday in the South Dakota Legislature. The House voted 60-5 to approve a bill that had already cleared the Senate. The measure, suggested by Attorney General Marty Jackley, goes next to Gov. Dennis Daugaard for his signature. The limits on appeals would apply to all serious criminal cases, but Jackley has said the restrictions are particularly needed in death penalty cases because some South Dakota cases have been tied up by appeals for nearly two decades. Rep. Brian Gosch, R-Rapid City, said some people on death row have figured out how to manipulate the system to avoid being executed. He said the bill's changes in the appeals system could mean a death sentence is carried out within five to 10 years of a conviction. People convicted of crimes in South Dakota can appeal their convictions and sentences to the state Supreme Court. They also can file secondary appeals, which generally argue that a convict's constitutional rights have been violated, often claiming that the convict's previous lawyers made mistakes. The bill would limit convicts to one secondary appeal, unless new evidence is discovered or an appeals court recognizes a new constitutional right that would apply to the case. That secondary appeal also would have to be filed within two years of when the first direct appeal was decided or new evidence was discovered.

Man accused in Norfolk shooting in court

NORFOLK, Neb. (AP) — A man accused of shooting a woman in Norfolk has made his first appearance in Madison County Court. Thirty-four-year-old Carlos Arevalo-Martinez is charged with first-degree assault and use of a firearm to commit a felony. He's suspected of shooting 33-year-old Edna Gutierrez on Feb. 14. Gutierrez, who was shot in the head, remains hospitalized in Omaha. Arevalo-Martinez was taken into custody after a standoff in Stanton on Feb. 16. The *Norfolk Daily News* says during Tuesday's court hearing, a judge appointed an attorney to his case and scheduled another hearing for next week. Arevalo-Martinez remains in jail on \$1 million bond.

S.D. Lawmakers Ease Wine Restrictions

PIERRE (AP) — The South Dakota Legislature has given final approval to a measure easing restrictions on wine in restaurants. The bill would allow people to take their own bottles of wine to restaurants. People also could take an unfinished bottle of wine home with them, as long as the restaurant had placed the bottle in a special sealed bag. The House voted unanimously Tuesday to pass the bill, which had been approved earlier by the Senate. The measure will become law if signed by Gov. Dennis Daugaard.

S.D. Senate Passes Bill On School Fees

PIERRE (AP) — A bill that says South Dakota public schools can charge for childcare or driver's education has passed the full Senate. Last year, Attorney General Marty Jackley's office specified school districts can't legally charge for these programs without the Legislature's approval. Sen. Corey Brown, one of the bill's sponsors, says the fees help offset costs for services that don't include extracurricular activities like band or football practice.

Nebraska

Illegal Immigration Law Could Be Nuisance

BY MARGERY A. BECK AND JOSH FUNK
Associated Press

FREMONT, Neb. — A Nebraska city's attempt to fight illegal immigration with a newly court-approved ordinance appears likely to be more of an inconvenience for legal residents than a deterrent to illegal immigrants. Backers of the voter-approved measure say they're still glad a federal judge signed off on most of the ordinance's provisions Monday because it represents at least some progress. The measure won't have any effect beyond the city limits of Fremont. That means two major meatpacking plants and some neighborhoods, including some with large immigrant populations, won't be covered by the requirements for businesses to use the federal E-Verify database to ensure employees are legal or by housing permit rules for renters. The ordinance adds some red tape for businesses and residents in the city of 26,000. The judge said Fremont can require companies to use the free federal E-Verify system to verify the citizenship status of people they hire. It can also require potential renters to swear they are legal residents and pay \$5 to obtain a renting permit. But the city won't be able to revoke the rental permits if applicants are found to be illegal immigrants. "It's better than nothing," said John Wigert, who helped collect petition signatures to get the measure on the ballot. "Is it going to solve

everything? Probably not. I guess something is better than nothing." The ordinance stirred a whirlwind of controversy in June 2010, when roughly 57 percent of Fremont voters who turned up at the polls supported it. The measure catapulted the city just west of Omaha into the national spotlight and spurred comparisons with Arizona and some cities embroiled in the debate over immigration regulations. Fremont, about 35 miles northwest of Omaha, has seen its Hispanic population surge in the past two decades, largely due to the jobs available at the Fremont Beef and Hormel plants, which are just outside the city. Census data show the number of Hispanics soared from 165 in 1990 to 1,085 in 2000 and 3,149 in 2010. It's unknown how many illegal immigrants live in the city. According to census figures, 1,259 noncitizens live there. That figure includes illegal immigrants as well as lawful permanent residents, foreign students and refugees in the U.S. legally. The vote — and the attention it brought — took an immediate political toll. The City Council president, mayor, city attorney and city administrator all resigned within a year, citing various reasons. Aaron Paden, one of five people running for mayor, said the ordinance will no doubt play into the election. "I've spoken to a few businesses owners about it, and ... they definitely feel this is just an-

other burden for them," Paden said. "I don't feel that it should be up to the businesses to police these matters. We have federal agencies that should be handling that. All this ordinance is now is another hoop to jump through." Ron Tillery, with the Fremont Area Chamber of Commerce, questioned Tuesday how effective the ordinance will be. Most of Fremont's businesses already comply with the E-Verify requirements, he said, and the new housing permits seem to serve little purpose in the wake of the judge's ruling. He said the city will incur costs to process the rental permits but won't be allowed to act on the information and deny any permits. Hormel officials confirmed the company has been verifying the citizenship status of its employees since 1999 but declined to answer additional questions about the ordinance. Many business owners said Tuesday they didn't know how the ordinance will affect their hiring practices and declined to comment. At least one store owner expected the judge's ruling to rekindle the firestorm of 20 months ago that saw racial tensions in the city rise. "This is going to be a ghost town if they keep pushing this ordinance," said Alfredo Velez, who owns Tienda Mexicana Guerrero, which sells food and other products from Mexico and Central America. "That ordinance is not about illegal (immigrants). It's about race. The people behind it don't want Hispanics here."

Bills On Bonuses For Medical Workers Pass S.D. Panel

BY VERONICA ZARAGOVIA
Associated Press

PIERRE — South Dakota faces a shortage of health care professionals in rural counties, and two bills making their way through the House aim to boost numbers of medical workers in these less populated areas. The House Health and Human Services Committee on Tuesday unanimously approved two Gov. Dennis Daugaard-sponsored bills that support his South Dakota Workforce Initiatives, or South Dakota WINS. This program attracts a more educated workforce across the state to the medical field and other industries. Secretary of Health Doneen Hollingsworth said the bills also help provide care for the state's growing elderly population and replace the current health profes-

sionals who will soon retire. One bill allows doctors or dentists who agree to work at a rural facility for three years to get reimbursed for double the cost of attending the University of South Dakota School of Medicine for four years. Presently, that amount adds up to about \$125,000, Hollingsworth said. The measure changes a reimbursement program already in place and expands eligibility to physicians in pediatrics, internal medicine, and obstetrics and gynecology. It limits communities to those with no more than 10,000 residents. Physician assistants, nurse practitioners and midwives could also apply. They would get twice the resident tuition for three years of study in their fields. Communities of 2,500 residents or less would pay 25 per-

cent of the bonus to each professional, while those with up to 5,000 people would pay 50 percent. The remaining ones would contribute 75 percent of the incentive payment. The state would pay its part after the professional completed the three-year commitment. The second Senate bill approved by the panel gives \$10,000 to participants in what has been known as the South Dakota Health Professional Recruitment Incentive Program, started in 2002. The program currently pays a \$5,000 bonus to such professionals as dietitians, paramedics, lab technicians, physical therapists and pharmacists who have completed two years of service. If signed into law, the bill doubles the bonus and adds one year to the commitment. Sixty professionals selected

by the Health Department can participate each year in areas with no more than 10,000 residents. Communities of 2,500 people or less would pay 25 percent of the payment, and those with a population above 2,500 would pay 50 percent. Participating facilities must work with the state's Medicaid program to receive recruited professionals. The state would also contribute its part after the participant completed the three-year job. The two bills now head to the full House for a vote. "In South Dakota, 59 of the state's 66 counties have been federally designated, all or portions of, as health professional shortage areas," Hollingsworth said, adding that the bills give these struggling areas tools to recruit providers they need.

OBITUARIES

Mildred 'Millie' Williams

Mildred "Millie" Williams, age 87, of Brentford passed away Saturday, February 11, 2012 at Dow Rummel Village, Sioux Falls, SD. A visitation for family and friends will be Friday, February 24th from 1:00-7:00 p.m. with family present from 5:00 to 7:00 p.m. at Spitzer-Miller Funeral Home, 1111 S. Main Street, Aberdeen. Funeral services will be held Saturday, February 25th at 11:00 a.m. at the United Church of Christ in Brentford with Rev. John Damaska officiating. Interment will follow at Sunset Memorial Gardens in Aberdeen. Millie was born the youngest of seven children May 12, 1924 to Ed and Eva Dunker in Stratford, SD. After graduation from Groton High School and attending Northern State, Millie and Hurst were married on June 24, 1943 and farmed in the Brentford area until they moved to Bethesda Town Square in Aberdeen in 2003. She remained in Aberdeen after Hurst died, on March 13, 2005, until moving to Dow Rummel Village in 2007 due to Alzheimers. Millie was active in the Order of the Eastern Star for 61 yrs and became Worthy Grand Matron of South Dakota in 1979. She was also active in Daughters

of the Nile, Extension Club and the United Church of Christ Women's Fellowship. She made numerous banners that reflected the church year. Millie loved to ballroom dance, work crossword puzzles, sew for Make It With Wool contests, knit Christmas stockings, deliver hot meals out to the field during harvest, cook for family gatherings, and play bridge — even when "the cards weren't going her way". She was a devoted wife for their 62 years of marriage, a loving mother and grandmother. She is survived by their four children, Dan (Snow) of Lilburn, GA; Pam (Don) Kettering of Yankton SD, Max (Heidi) of Brentford, SD and Tas (Paul) Tellinghuisen of Sioux Falls SD; 6 grandchildren, Dr. Derek (Dr. Katherine) and Devin Williams, Lance (Candice) Kettering and Heather (Ben) Brasel, and Colin (Meagan) and Jenna Williams and 9 great grandchildren: Jessica, Amber, Lyla, Tessa, Nora, Hunter, Maddie, Henry, and Jack and sister Inez Knickrehm of Groton, SD, sisters-in-law Carol Dunker and Betty Dunker of Aberdeen, SD and many nieces and nephews. She was preceded in death by her parents, husband, brothers Ray, Wally and Dale (Marg) Dunker and sisters Hazel (Joe) Sager and Evelyn (Harold) Borge and brother-in-law Robert Knickrehm. Visit www.spitzerfuneralhome.com. Yankton Press & Dakotan February 22, 2012



Williams

Robert Schmit

OSMOND, Neb. — Robert J. Schmit, 76, of Osmond died on Monday, February 20, 2012, in his home. Services will be held Friday, February 24th at 10 a.m. at St. Mary's Catholic Church in Osmond with Fr. Roger Schmit officiating. Burial will be in the St. Mary's cemetery. Visitation will be Thursday, February 23rd, from 5-8 p.m. with a rosary at 7 p.m. at St. Mary's church. Robert John Schmit was born August 11, 1935, to Joseph and Rose (Pochop) Schmit. He was baptized at St. Mary's Church. He attended St. Mary's Elementary School, and graduated from Osmond Public High School in 1953. After graduation he farmed with his parents until 1958 when he entered the armed services completing his tour of duty in March of 1960. On November 21, 1960, Robert was united in marriage to Bona Jean K. Juergens (Bonnie) in Fordyce at St. John the Baptist Church. The couple spent their entire married life farming and raising their family in the Osmond area, retiring into Osmond in 2001. Survivors include his wife, Bonnie of Osmond; children, Therese Swanson (Donald) of York NE, Patrick Schmit (Nellie) of Wausa NE, Janelle North (Jerry) of Brunswick NE, Marlin Schmit (Shellee) of Osmond NE, Beth Riggert (Doug) of Omaha

NE, Aaron Schmit of Osmond NE, Mark Schmit (Ashley) of Lincoln NE, Cheryl Dodds (Chuck) of McClelland IA; nineteen grandchildren, three step-grandchildren, and one step-great grandchild; brother, Eugene Schmit (Elsie) of McLean; sister, Mary Rose Schainost of Norfolk; sister-in-law, Marietta Schmit of Norfolk; brothers-in-law, Wayne Juergens of Yankton, SD, Gary Juergens of Liberty, TN, Ralph (Kathy) Juergens of Goodlettsville, TN, and Jerry Juergens of Lincoln, NE; numerous nieces, nephews and many other relatives. He was preceded in death by his parents; brother, Leo; and brothers-in-law, Norbert Beckman and Stanley Schainost. Yankton Press & Dakotan February 22, 2012

Mason Vig

GILBERT, Ariz. — Mason Vig of Gilbert, Ariz., and formerly of Yankton, died Friday, Feb. 17, 2012, in Gilbert. Funeral services is at 10 a.m. Saturday, Feb. 25, at Trinity Lutheran Church, where he was baptized and confirmed in Yankton. The Rev. Dave Wildermuth is officiating. Visitations are 4-7 p.m. Friday at Opsahl-Kostel Funeral Home & Crematory, Yankton, with a Scripture service at 7 p.m. followed by a video tribute and memories sharing. Visitation will resume one hour prior to the service at the church.

Susan Kingsley

FREMONT, Neb. — Susan R. Kingsley, 57 years, of Fremont, Neb., lost her fight with ALS Saturday, Feb. 18, 2012 at her home in Fremont. Funeral Mass is at 1:30 p.m. Friday at St. Patrick's Catholic Church, Fremont. Father Jim Keiter will officiate. Visitation is 3-8 p.m. Thursday with family receiving friends 6-8 p.m. and a Vigil Service/Rosary at 7:00 p.m. at Moser Memorial Chapel in Fremont. Burial will be 2:30 p.m. Monday at Calvary Cemetery in Fremont.

Louie Schulz

VERMILLION — Louie E. Schulz, 91, of Vermillion, SD, passed away, Tuesday, February 21, 2012 at Sunset Manor Nursing Home in Irene, SD. Funeral arrangements are pending with Kober Funeral Home, Vermillion.

Sister Alberta Murlaschitz

Sister Alberta Murlaschitz, O.S.B., of Norfolk, Neb., formerly of Yankton, died Monday, Feb. 20, 2012, at Immaculata Monastery, Norfolk. Mass of Christian Burial is at 11 a.m. Thursday at Immaculata Monastery Chapel in Norfolk. Father Quentin Kathol will serve as Celebrant, with burial in Prospect Hill Cemetery at Norfolk. Visitation continues until service time, with a 7 p.m. Rosary tonight, and a Wake Service at 7 p.m. tonight (Wednesday), all at the Immaculata Monastery Chapel. Brockhaus-Howser-Fillmer Funeral Home, Norfolk, is in charge of arrangements.

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