

Anti-Bullying Bill Passes South Dakota House

PIERRE (AP) — South Dakota school districts without bullying policies would have to adopt one if a bill passed by the House becomes law.

The House approved a measure Tuesday incorporating proposals by Attorney General Marty Jackley and Sen. Dan Lederman. It provides a model bullying policy school districts lacking one would adopt, though they could modify it.

The bill's model prohibits bullying, sets a procedure for reporting and investigating it and addresses "cyber" or electronic harassment.

Its definition of bullying includes a pattern of "repeated" conduct that causes physical hurt or psychological distress. South Dakota has 12 school districts.

Lawmakers voted 57-12 Tuesday, sending it back to the Senate.

The Senate's version of the bill lacks the word "repeated" in the definition and wouldn't require the remaining districts to adopt the model.

Neb. Man Faces 28th Revoked License Charge

FREMONT, Neb. (AP) — Authorities say an Omaha man is in jail after being arrested for driving on a suspended or revoked license — for the 28th time.

The Nebraska State Patrol says 28-year-old Rondell Vasser was arrested on Monday after a traffic stop in Fremont.

Vasser, who was also cited for failure to signal and not wearing a seat belt, is being held in the Saunders County jail. His case is not on the online court system, and it's not known if he has an attorney.

The patrol says Vasser has 27 prior convictions for suspended or revoked license dating back to 2001.

Suspect In Norfolk Shooting Appears In Court

NORFOLK, Neb. (AP) — A man accused of shooting a woman in Norfolk has waived his preliminary hearing in Madison County Court.

The *Norfolk Daily News* says 34-year-old Carlos Arevalo-Martinez appeared in court on Tuesday and waived the hearing on charges of first-degree assault and use of a firearm to commit a felony. His case was bound over to district court for arraignment on March 16.

Arevalo-Martinez is accused of shooting 33-year-old Edna Gutierrez on Feb. 14. Gutierrez, who was shot in the head, survived and was hospitalized in Omaha.

Arevalo-Martinez was taken into custody after a standoff with police in Stanton on Feb. 16. He remains in jail on \$1 million bond.

S.D. House Passes Bill On Missing Children

PIERRE (AP) — A bill criminalizing the failure by a parent, legal guardian or caretaker to report the death or disappearance of a child is a step closer to becoming law.

Under the measure, a person responsible for someone under age 13 must call law enforcement within 48 hours of the child's disappearance and within six hours of the child's death. Someone failing to report on time would face a Class 1 misdemeanor or a Class 5 felony, respectively.

This bill is similar to ones introduced in several states known as "Caylee legislation" after Caylee Anthony, a 2-year-old Florida girl whose 2008 disappearance was not reported for a month.

House members voted 66-4 Tuesday, sending it back to the Senate, which approved a version of the bill that also criminalized health-care providers.

South Dakota

Voters Will Decide On Budget Amendment

BY CHET BROKAW

Associated Press

PIERRE — South Dakota voters will get to decide whether the state's constitution should be amended to make it clear that the state budget must be balanced after lawmakers gave final approval to the plan Tuesday.

The Senate voted 30-3 to endorse Gov. Dennis Daugaard's proposal, which was passed earlier by the House. It now will go on the statewide November ballot.

The governor has said language in the South Dakota Constitution now only implies that the budget must be balanced. Two current provisions merely limit state debt and provide for an emergency tax to wipe out any deficit. The proposed constitutional amendment says the governor must propose and the Legislature must pass a balanced budget

each year.

Senate Republican Leader Russell Olson of Wentworth said the Legislature always has balanced the budget, and most lawmakers always have thought the constitution requires a balanced budget.

"It is not a clear and explicit requirement for a balanced budget in our constitution," Olson said. "We already hold ourselves to a balanced budget, so we should make it clear in our constitution."

But Sen. Stan Adelstein, R-Rapid City, said he believes the wording of the proposed amendment could lead the Legislature to run up deficits instead of balancing the budget. The measure says spending cannot exceed anticipated revenue, but it does not specify what that means or who would decide how much revenue is expected, he said.

The amendment might wind up encouraging the Legislature to overspend, Adelstein said.

"Right now, we have a tighter situation than this amendment would give us," he said.

But Sen. Corey Brown, R-Gettysburg, said the Legislature's Joint Appropriations Committee would continue to be responsible for determining how much state revenue is anticipated for each budget year. That committee's revenue projections have been very accurate in recent years, he said.

Supporters said adding the balanced budget language to the constitution could cause South Dakota to get a better bond rating, which would allow agencies attached to the state to issue bonds at lower interest rates for construction projects, housing loan programs and other purposes.

ACLU Of Nebraska To Appeal Immigration Ruling

BY GRANT SCHULTE

Associated Press

LINCOLN, Neb. — Opponents of a Fremont city immigration ordinance promised Tuesday to appeal a federal judge's ruling that kept in place a requirement that potential renters prove their citizenship or legal status.

The American Civil Liberties Union of Nebraska said it would challenge the decision, which struck down another part of the ordinance that would have allowed the city to revoke the rental licenses of illegal immigrants.

The Fremont City Council is expected to meet in closed session Tuesday night to discuss how to proceed with the ruling, which would still allow the city to charge a \$5 fee for a renter's license, if it takes effect. The city has voluntarily suspended the ordinance at ACLU Nebraska's request while the lawsuit works its way through the courts.

ACLU Nebraska filed the lawsuit on behalf of five renters in Fremont, a city of 26,000 about 35 miles northwest of Omaha, as well as two landlords and two local employers. The case will go to the U.S. Eighth Circuit Court of Appeals.

Amy Miller, ACLU Nebraska's legal director, told the council in a letter Tuesday that the appeal could last at least another year. Miller said the lawsuit plaintiffs still believe "that the entire ordinance is an illegal use of city power."

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 into the national spotlight and spurred comparisons with Arizona and some cities embroiled in the debate over immigration regulations.

Fremont 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, a figure that includes illegal immigrants as well as lawful permanent residents, foreign students and refugees in the U.S. legally.

Lawyer For S.D. Bar Owner Accused Of Rape Recused

BY KRISTI EATON

Associated Press

SIoux FALLS — The lawyer for a South Dakota bar owner accused of raping a 12-year-old and two 14-year-olds and serving them alcohol was recused Tuesday because he said he had represented a witness in the case.

Third Circuit Judge Jon Erickson said he would appoint a new lawyer for Werner Fajardo, 35, who is accused of assaulting the three girls at the El Cuervo bar in Huron in October.

Fajardo is charged with six counts of rape, four counts of sexual contact with a person under 16 or incapable of consenting, and several counts of providing alcohol to minors. He has pleaded not guilty and is awaiting trial.

Erickson initially appointed Jeff Burns to the case. Burns filed a motion last week asking to be recused, saying he recently discovered that he has represented a witness in the case in the past.

"I believe professional considerations require termination of my representation of the defendant," Burns wrote in the motion.

In a phone interview after the hearing, Jeff Banks, deputy

state's attorney for Beadle County, said the change in lawyer would probably affect the start date of Fajardo's trial, which is scheduled for late next month.

Burns also filed several motions on behalf of Fajardo, asking the court for cellphone records between Fajardo and two of the girls from September to December, as well as any criminal or juvenile files of the three girls and any reports from counseling or therapy sessions the girls have taken part in since Oct. 29. The lawyer also asked the court to unseal the search warrant affidavit and sequester the state's witnesses during trial.

Those motions were not discussed in Tuesday's court hearing.

Burns has not responded to a phone message seeking comment.

Police said Fajardo met the girls at "teen nights" at the bar, though patrons were supposed to be at least 18 to attend. Authorities said he pulled off having youngsters in the bar by exploiting an outdated ordinance allowing 18- to 21-year-olds in an establishment serving alcohol if it was designated as a dance hall.

OBITUARIES

Viola Diekmann

BLOOMFIELD, Neb. — Funeral services for Viola L. Diekmann, age 96 of Bloomfield, will be 10:30 a.m. Saturday, March 3, 2012, at St. Mark's Lutheran Church in Bloomfield, Nebraska. Reverend Tim Koester will officiate with burial in Bloomfield City Cemetery.



Diekmann

Visitation will be Friday, from 5:00 to 7:00 p.m., at Brockhaus Funeral Home in Bloomfield.

Viola died Sunday, February 26, 2012, at Bloomfield Good Samaritan Society.

Viola was born January 8, 1916 to Otto and Eliza (Eckmann) Clausen, at Burke, SD on the farm homesteaded by her parents. She was one of 10 children. Viola attended rural elementary school and enjoyed riding her horse to school. She graduated from Burke, SD High School in 1935, then worked as a cook at the Gregory County Home, Burke.

Viola was baptized in 1925 at the Methodist Church, Jamison, Nebraska, and confirmed in the Lutheran faith on October 31, 1954 at St. Mark's Lutheran Church, Bloomfield, NE.

Viola married John Henry Diekmann January 9, 1937 at the Methodist Church parsonage in Burke. To this union six children were born: John Jr., Verlee, Jerry, June, David, and Kim.

They farmed in Gregory County, SD until moving to the Lindy, NE area in 1941; they lived on several farms near Lindy, Bloomfield, Crofton and Laurel, NE. Viola's life as a farm wife included the usual hard work, farm chores, milking many cows (she was the fastest in the family), and baking many pies.

In 1962, the family moved into Bloomfield where they operated their own business until 1979.

Viola was a member of St. Mark's Women of the ELCA, joining with her Circle to make quilts

and participating in Bible studies in her home. She was a member and officer of the Senior Citizens' Club and the Bloomfield Women's Club. John and Viola helped organize the Region IV Bloomfield Office of Developmental Disabilities, and were active members of the Association of Retarded Citizens.

Viola enjoyed reading, embroidery, collecting cardinal figurines, playing cards and old-time dancing. She and John rarely missed an opportunity to dance a polka or waltz.

Following the death of her husband John on March 25, 1993, Viola moved to Mainview Apartments in 2002, then in 2005 to Sunset View Assisted Living. She became a resident of Good Samaritan Center on March 10, 2006.

Viola entered into eternal rest on February 26, 2012, having reached the age of 96 years, 1 month, 18 days. She is survived by four children, Verlee (Don) Smith of Bellingham, Washington, Jerry (Dianne) Diekmann of Yankton, South Dakota, David Diekmann of Osmond, Nebraska, and Kim Diekmann of Yankton, South Dakota; son-in-law, Doug Bourn of Bloomfield, Nebraska; 11 grandchildren; 28 great-grandchildren; one great-great-grandchild; and many nieces and nephews. She lived more years than any of her siblings, brothers-in-law, or sisters-in-laws.

She was preceded in death by her parents, Otto and Elise Clausen; husband John Diekmann, Sr.; son, John Diekmann, Jr.; daughter, June Bourn; and grandson, Scott Diekmann.

Yankton Press & Dakotan
February 29, 2012

Richard Ryken

SIoux FALLS — Richard J. Ryken, 65, of Sioux Falls and formerly of Gayville, died Monday, Feb. 27, 2012, at his residence in Sioux Falls.

Funeral services are pending with Opsahl-Kostel Funeral Home & Crematory, Yankton.

Bettie Thesenga

TRIPP — Bettie Jayne Thesenga was born during a blizzard, January 31, 1925, at Avon, SD. Her parents were John and Lydia (Burbeck) Thesenga. Bettie passed away Tuesday, February 28, 2012 at the Good Samaritan Center in Tripp at the age of 87 years.



Thesenga

She received her elementary and high school education at the Avon School System, graduating as valedictorian of her class on May 7, 1943. Bettie attended the Minneapolis Business College at Minneapolis, MN.

Bettie married John R Meidinger on October 18, 1946 in Minneapolis, MN. John and Bettie lived in California and Pennsylvania. On June 9, 1974, John and Bettie moved back to Avon, SD. Since the winter of 1980 through the winter of 2003, John and Bettie had spent their winters in Arizona.

Bettie was baptized in the Westminster Presbyterian Church in West Chester, PA, on Maundy Thursday in 1958. She joined the First Presbyterian Church in Avon, SD, on Maundy Thursday in 1979, and has remained a faithful member. In 2006 Bettie moved to the Springfield Assisted Living home and then in 2009 to the Good Samaritan Center in Tripp, SD, where she spent her final years.

Bettie was active in the Presbyterian Women's Organization and the Rebecca Circle as well as the Sew and Sew Club, the Avon Alumni Association, and the Eastern Star #33 of Yankton, SD.

She leaves to mourn her two sons: John Richard Meidinger, of Novato, CA, and Mark David Meidinger of Glendale, CA; five grandchildren: John William Meidinger of Sacramento, CA; Nicholas James Meidinger of Sebastopol, CA; Sandy Jayne Mei-

dinger of San Diego, CA; and David Allen Meidinger of Glendale, CA; Janel Leilani Biang of Nevada City, CA; and a host of relatives, friends, nieces, and nephews.

Bettie was preceded in death by her parents, John and Lydia Thesenga; her only brother, Leslie Albert Thesenga; sister in law, Louise Alberta (Hornstra) Thesenga of Minneapolis, MN; and her loving husband of 65 years, John R (Bud) Meidinger.

Funeral services will be held on Friday, March 2, 2012 at 1 p.m. at First Presbyterian Church in Avon, SD with Memorial visitation from 11 a.m. to 1 p.m. at the church. Inurnment will be in the Baptist Cemetery, rural Avon.

Crosby-Jaeger Funeral Chapel in Avon is in charge of arrangements.

Yankton Press & Dakotan
February 29, 2012

Joyce Pfeiffer

Joyce D. Pfeiffer, 81, of Yankton died Tuesday, Feb. 28, 2012, at Avera Sister James Care Center, Yankton.

A Memorial Mass is at 10:30 a.m. Saturday at Sacred Heart Catholic Church, Yankton, with the Rev. Dan Smith officiating. Burial of Joyce's cremated remains will be in the Vangen Lutheran Cemetery, Mission Hill, at approximately 1 p.m.

Visitations begin at 4 p.m. Friday at Opsahl-Kostel Funeral Home and Crematory with a 7 p.m. rosary and a 7:30 p.m. Scripture service followed by a video tribute and memory sharing. Visitations will resume one hour prior to services at the church.

Romaine Becker

WYNOT, Neb. — Romaine C. Becker, 83, of Wynot, Neb., died Tuesday, Feb. 28, 2012, at Faith Regional Hospital, Norfolk, Neb.

Services are pending with Wintz Funeral Home, Hartington, Neb.

Gary Bauder

SCOTLAND — Funeral services for Gary L. Bauder, 67, of Scotland will be held at 2:00 p.m. on Friday, March 2 at Zion Lutheran Church in Scotland with Pastor Jonathan Vehar officiating. Interment will follow in Rosehill Cemetery, Scotland.

Visitation will be held on Thursday from 3:00 p.m. until 7:00 p.m., followed by at 7:00 p.m. prayer service, at the Goglin Funeral Home in Scotland.

Gary died on Monday, February 27, 2012 at Avera Sacred Heart Hospital in Yankton.

Evelyn Mach

SCOTLAND — Funeral Mass for Evelyn Mach, 91, of Scotland will be held at 10:30 a.m. on Saturday, March 3 at St. George Catholic Church in Scotland with Fr. Mathew Vazhappilly as Celebrant. Interment will follow in St. George Catholic Cemetery, Scotland.

Visitation will be held on Friday from 3:00 p.m. until 5:30 p.m. at the Goglin Funeral Home in Scotland. There will be a rosary and scriptural wake service on Friday evening at 7:00 p.m. at the church.

Online condolences may be sent at www.goglinfh.com. In lieu of flowers, the family prefers memorials to the Scotland and Lesterville Volunteer Fire Departments.

Goglin Funeral Home

Tyndall - Scotland - Tripp



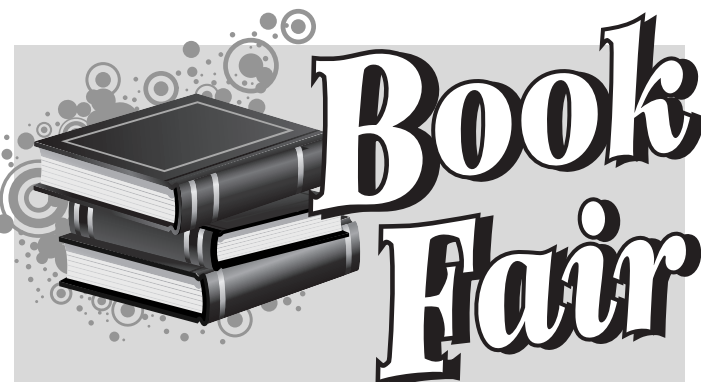
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Goglin Funeral Home

Tyndall - Scotland - Tripp



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Thursday, March 1st
10:00 am to 6:00 pm

Friday, March 2nd
8:00 am to 4:00 pm

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Avera
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