



A Bad Good Winter

BY KELLY HERTZ

kelly.hertz@yankton.net

Today is Feb. 1 — officially mid-winter according to the calendar — and we can genuinely say this has been a fairly good winter in the immediate Yankton area.

But, as the way things are working out these days, that's why it hasn't been such a good winter at all.

The fact is, we needed to get buried this season. We really did. After enduring one of the driest years we've seen in at least a generation, we needed a ton of snow to help recharge the ground moisture and get us back near normal. (We can still nurture the fantastic hope that all that moisture is waiting until early spring, when we suddenly and magically get copious amounts of warm rain, which would let up just in time for spring planting.)

How much snow do we need? Eight feet. Literally. That's what meteorologists stated recently, and the notion seems monstrously unimaginable. (However, for the sake of nightmarish entertainment, try to picture the snowdrifts that would be produced by a winter like that.)

At this point, let's pause for a crash course on winter. Feb. 1 is referred to as a cross-quarter day, an astronomical term that signifies the midpoint between a solstice and an equinox (or vice versa). So, we are currently equidistant (give or take a day) from the start of winter and the start of spring.

But it doesn't necessarily work that way in hands-on terms. That's why there is something called meteorological winter, a three-month period that starts on Dec. 1 and runs until March 1. This "season" encompasses the weather patterns that mostly make up winter. The midpoint there is Jan. 15, which means we are now well past winter's halfway mark and are moving toward the light of spring. (For further evidence, note that pitchers and catchers for the Minnesota Twins report to spring training in 12 days, and daylight saving time starts in just more than five weeks — which is also about the time the Twins will be eliminated from the pennant race.)

Another important winter date to remember is Feb. 15. The rule of thumb is that we normally get half our snowfall for a typical winter after this date, because it's on about Feb. 15 that the weather patterns start changing and warmer, moister air begins creeping into the Upper Plains.

I mention those dates because we have now reached two of those winter mid-points and haven't much to show for them in terms of precipitation. And a long-range forecast I looked at this week shows very few opportunities for significant moisture for at least the next three weeks, which sails us past the Feb. 15 marker.

This year, none of this bodes well.

As a consolation, it really hasn't been a bad winter as the season usually goes — a fact we tend to overlook when we compare it to last winter, which seemed like a wonderful, balmy dream. It was the best winter ever, or so I thought at the time. But I do recall wondering just how we were going to pay for such good fortune.

(Thursday's bitter cold doesn't change my assessment of this winter. Weather records indicate that this is the coldest week of the year in Yankton; in fact, last Sunday was supposed to be the coldest day of the year, based on 130 years of statistical averages. You remember last Sunday: It rained.)

So what will be the cost this time for what has thus far been another very endurable winter?

This week, it was reported that the Corps of Engineers is advising communities that rely on the Missouri River for water to brace for the possibility of even lower river levels. There is talk about Gavins Point discharges dipping down to 9,000 cubic feet per second; water practically runs uphill faster than that. There is even discussion of voluntary water restrictions being recommended. That's an extraordinary prospect for communities like Yankton, which have always been blessed with ample water sources. In fact, water was a huge reason for their founding and their survival in a more primitive, less certain age.

But these are different, thirstier times.

So, it's with all that in mind that I've reached the conclusion, on this cross-quarter day, that we're being tormented by what we can now officially view as another open winter. What's usually a blessing to us in these snowy northern climes is now a curse. It's the pain we aren't feeling that's hurting us; it's the hardships we are avoiding that are our burdens. Winter has become a complicated irony. And goodness knows what kind of spring and summer it will invite.

You can follow Kelly Hertz on Twitter at twitter.com/kelly_hertz



Kelly HERTZ

Point Of View

Bill Threatens Health Care Quality

BY WILLIAM HEUBAUM

Yankton

Yankton is justly proud of its Human Services Center, which provides treatment for individuals who are afflicted with mental health and addiction problems. As a society we encourage people in need of such help to voluntarily seek it.

However, a bill currently pending before the South Dakota Legislature, HB 1188, might well put a damper on that.

Under the terms of this bill even a person receiving mental health treatment voluntarily on an outpatient basis is deemed to be in the custody of the state and cannot be discharged until the director of HSC (or his designee) reviews the patient's health records to determine if he or she is "dangerous" as defined in the bill.

Unfortunately, not all of the standards for determining "dangerousness" are objective. For example, one basis for a finding of dangerousness is that the patient has "made a threat to cause bodily injury ..." Might that be an argument with a neighbor that has degenerated into a statement such as "Stay away from me or I'll punch you in the nose." If the director finds evidence in the patient's records supporting a finding of dangerousness, he refers the matter to the Yankton County State's Attorney. This begins a process of summoning the patient before the Yankton County Board of Mental Illness for a hearing to find whether such person is dangerous. If so found, the person has his or her right to bear arms under the South Dakota Constitution rescinded.

The question may well be asked, what information gets into the patient's records? Complaints from a jealous neighbor, a disgruntled ex-spouse or a co-worker who wants to discredit the patient with his boss? The bill specifically provides that at the hearing

hearsay is not a valid objection (as it would be in a court of law) to "facts" contained in the person's health records. In practical effect, this means that no doctor need be called to verify the entries in such records. The hearing is conducted in secret behind closed doors with no member of the public allowed to attend and see if the hearing is conducted fairly and impartially. The accused may be represented by counsel (as is, of course, the state), but if found dangerous any appeal by the accused to the circuit court must be at his own initiative and expense.

I believe that the entire process, while well intentioned, is flawed. The role of psychiatrists and other mental health professionals should be limited to giving expert testimony in a judicial proceeding to determine whether the accused is in fact dangerous. They should not be, as they would be under HB 1188, the determiners of fact themselves. This puts them in the position of being judge, jury and executioner-in-this case, cutting off the right of the accused to keep and bear arms. This is exactly why the issue of mental competency or "dangerousness" should only be determined in a judicial proceeding and not by an administrative panel which, while charged with making findings of fact and conclusions of law, is without judicial expertise.

Another onerous feature of the bill is that any person who "knowingly gives, loans or sells a weapon" to person found dangerous is guilty of a Class 6 felony, which carries a sentence of two years in prison, a \$4,000 fine or both. While a licensed gun dealer will have access to the black list of dangerous persons, how is the ordinary citizen supposed to know who is or is not on the list?

Absent a major rewrite that, among other things, provides for the hearing in question to be held in circuit court with its inherent Constitutional protections for the accused, this bill should be defeated.

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OPINION | WE SAY

Stuffed Up



THUMBS DOWN to the growing sediment that's clogging the Missouri River and in turn creating problems at the mouth of the James River. Property owners led this week's tour of the site for James River Water Development District officials and the Lower James water board. The depth (and width) of the situation surprised even people who live near the area. The officials said the U.S. Army Corps of Engineers holds jurisdiction for any work on the Missouri River. The James River officials are also concerned about the impact on the meandering "Jim." Hopefully, a solution can be found to benefit both rivers.

Restoration



THUMBS UP to the effort by the Charles Mix County Historical Restoration Society (Geddes Historical Society) to renovate the boyhood home of former governor and U.S. senator Peter Norbeck. He gained great fame, particularly for his conservation measures and his work with establishing Custer State Park and obtaining funds for Mount Rushmore. The Geddes organization greatly needs donations to restore the house, which was moved into town from the Norbeck homestead. Hopefully, they are successful in preserving this important part of South Dakota history.

Electioneering



THUMBS UP to the City of Yankton for choosing to use voting centers in its upcoming April election. Yankton County first used voting centers during last year's general election, and the city will now adopt the same model. The centers will be located at JoDean's, City Hall and the Yankton County 4-H facility. From the feedback we received, voters in November appreciated being able to cast a ballot at any polling station and not be restricted to their precinct. We certainly enjoyed the convenience.

Heavenly Harmony



THUMBS DOWN to the passing this week of a legendary voice: Patty Andrews, the last surviving member of the Andrews Sisters, died Wednesday at age 94. She was the lead singer in what may have been one of the most recognizable vocal groups in 20th century music. Songs like "Don't Sit Under the Apple Tree" and "The Boogie Woogie Bugle Boy" became staples of the World War II era, and the group — which also featured sisters Maxene and LaVerne — created an extraordinarily warm, rich harmony that, during those war years, sounded like better times and better days ahead. When it came to harmony, they were the real deal. It's a legacy that will endure as long music is listened to and appreciated.

ONLINE OPINION

The results of the most recent Internet poll on the *Press & Dakotan's* Web site are as follows:

LATEST RESULTS:

Who do you want to win the Super Bowl?	
San Francisco 49ers	.39%
I don't care either way	.38%
Baltimore Ravens	.23%
TOTAL VOTES CAST	578

The Press & Dakotan Internet poll is not a scientific survey and reflects the opinions only of those who choose to participate. The results should not be construed as an accurate representation or scientific measurement of public opinion.

CURRENT QUESTION:

Do you support the Pentagon's decision to allow female soldiers in combat?

To vote in the *Press & Dakotan's* Internet poll, log on to our website at www.yankton.net.

TODAY IN HISTORY

By The Associated Press

Today is Friday, Feb. 1, the 32nd day of 2013. There are 333 days left in the year.

Today's Highlight in History: On Feb. 1, 2003, the space shuttle Columbia broke up during re-entry, killing all seven of its crew members.

On this date: In 1790, the U.S. Supreme Court convened for the first time in New York. (However, since only three of the six justices were present, the court recessed until the next day.)

In 1861, Texas voted to leave the Union at a Secession Convention in Austin.

In 1862, "The Battle Hymn of the Republic," a poem by Julia Ward Howe, was published in the *Atlantic Monthly*.

In 1922, in one of Hollywood's most enduring mysteries, movie director William Desmond Taylor was shot to death in his Los Angeles home; the killing has never been solved.

In 1942, the Voice of America broadcast its first program to Europe, relaying it through the facilities of the British Broadcasting Corp. in London.

In 1943, one of America's most highly decorated military units, the 442nd Central Postal Directory, made up almost exclusively of Japanese-Americans, was authorized.

In 1946, Norwegian statesman Trygve Lie was chosen to be the first secretary-general of the United Nations.

In 1960, four black college students began a sit-in protest at a Woolworth's lunch counter in Greensboro, N.C., where they'd been refused service.

In 1968, during the Vietnam War, South Vietnam's police chief (Nguyen Ngoc Loan) executed a Viet Cong officer with a pistol shot to the head. Richard M. Nixon announced his bid for the Republican presidential nomination.

In 1979, Ayatollah Ruhollah Khomeini received a tumultuous welcome in Tehran as he ended nearly 15 years of exile.

In 1991, 34 people were killed when an arriving USAir jetliner crashed atop a computer plane on a runway at Los Angeles International Airport.

In 1993, Gary Bettman took office as the NHL's first commissioner.

Ten years ago: At least 50 people were killed in a Zimbabwe train collision. Former Agriculture Secretary Richard Lyng died in Modesto, Calif., at age 84.

Five years ago: Exxon Mobil posted the largest annual profit by a U.S. company — \$40.6 billion — and the biggest quarterly profit to that time, breaking its own records. Microsoft announced an unso-

licited bid for Yahoo, which later rejected it. Remote-controlled explosives strapped to two women killed at least 100 people in Baghdad.

One year ago: Facebook announced plans to go public with a stock offering. (The social network priced its IPO at \$38 per share, but the stock started to fall soon after the first day of trading.) A Southern California woman who'd filed a small-claims action against Honda won her lawsuit when a judge ruled that the automaker had misled her about the potential fuel economy of her hybrid car. (However, another judge overturned the nearly \$10,000 small claims judgment in May 2012.) In Port Said, Egypt, at least 74 people were killed after soccer fans rushed the field following an upset victory by the home team over Egypt's top club. Don Cornelius, 74, creator of "Soul Train," died in Los Angeles of a self-inflicted gunshot wound. Boxing trainer Angelo Dundee died in Tampa, Fla., at age 90.

Today's Birthdays: Gospel singer George Beverly Shea is 104. Actor Stuart Whitman is 85. Singer Don Everly is 76. Actor Garrett Morris is 76. Singer Ray Sawyer (Dr. Hook and the Medicine Show) is 76. Bluegrass singer Del McCoury is 74. Jazz musician Joe Sample is 74. TV personality-singer Joy Philbin is 72. Comedian Terry Jones is 71. Sen. Mike Enzi, R-Wyo., is 69. Opera singer Carol Neblett is 67. Rock musician Mike Campbell (Tom Petty & the Heartbreakers) is 63. Blues singer-musician Sonny Landreth is 62. Actor-writer-producer Bill Mumy (MOO-mee) is 59. Rock singer Exene Cervenka is 57. Actor Linus Roache is 49. Princess Stephanie of Monaco is 48. Country musician Dwayne Dupuy (Ricochet) is 48. Actress Sherilyn Fenn is 48. Lisa Marie Presley is 45. Comedian-actor Pauly Shore is 45. Actor Brian Krause is 44. Jazz musician Joshua Redman is 44. Rock musician Patrick Wilson (Weezer) is 44. Actor Michael C. Hall is 42. Rock musician Ron Welty is 42. Rapper Big Boi (Outkast) is 38. Roots rocker Jason Isbell is 34. Country singer Julie Roberts is 34. Actor Jarrett Lennon is 31. Rock singer-musician Andrew VanWyngarden is 30. Actor Lee Thompson Young (TV: "Rizzoli & Isles") is 29. TV personality Lauren Conrad is 27. Rock singer Harry Styles (One Direction) is 19.

Thought for Today: "Happiness is a by-product. You cannot pursue it by itself." — Sam Levenson, American humorist (1911-1980).

FROM THE BIBLE

To Him who sits on the throne and to the Lamb be blessing and honor and glory and might forever and ever! Revelation 5:13. Portals of Prayer, Concordia Publishing House, St. Louis

CONTACT US

PHONE:
(605) 665-7811
(800) 743-2968
NEWS FAX:
(605) 665-1721
ADVERTISING FAX:
(605) 665-0288
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www.yankton.net
EMAIL ADDRESS:
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