

Tourism Dept. Re-Signs With Macy's Parade

SIoux FALLS (AP) — The state of South Dakota will be appearing in the annual Macy's Thanksgiving Day parade for another three years, Tourism Secretary James Hagen said Thursday. Hagen said Macy's invited the Department of Tourism to renew their contact to appear in the parade for a float that features Mount Rushmore, the Badlands, the Black Hills and more. For the past three years, a South Dakota float featuring some of the state's most well-known attractions has appeared in the parade. A musician also has been featured on the float. Past musicians include Don McLean and Neil Diamond. "We were really excited," Hagen said of the contract renewal. "The thing that most excites me is that not a lot of states or different entities get the opportunity to be able to showcase themselves on this sort of platform." Hagen said 43 million people watched the first airing of this past year's broadcast, which adds to the state's exposure. The Tourism Department spent about \$225,000 each year for the past three years for the opportunity, which covers the cost of the float and the talent on the float, Hagen said, adding that the price is anticipated to go down for the next three years. Officials have not yet held any meetings to discuss which musician will appear atop the float this coming November, Hagen said.

S.D. Senate Approves Park At Blood Run Site

PIERRE (AP) — The South Dakota Senate has approved Gov. Dennis Daugaard's proposal to create a new state park at the Blood Run nature area along the Big Sioux River southeast of Sioux Falls. Senators voted 31-2 to send the measure to the House for further debate. The bill would designate the 600-acre site as South Dakota's 13th state park. The Good Earth State Park would be the first state park created in more than 50 years. Blood Run was designated a national historic landmark in 1970. The area along the Big Sioux River bordering Iowa was used by thousands of Oneota Indians into the early 1700s. The area includes a large oak forest, rolling hills, flood plains, riverside bluffs and burial mounds.

Man Ordered To Pay \$85,000 For Killing Bird

SIoux FALLS (AP) — A South Dakota man has been sentenced to two years of probation and ordered to pay \$85,000 for killing an endangered whooping crane. Jeff Blachford, of Miller, pleaded guilty in federal court Wednesday to one count of violating the Federal Endangered Species Act. Authorities say the 26-year-old Blachford shot and killed an adult male whooping crane in April 2012 about 17 miles southwest of Miller. Whooping cranes are one of the rarest birds in the world with a total population of about 600. U.S. Magistrate Judge Mark Moreno ordered Blachford to forfeit the rifle he used to kill the whooping crane and stripped him of hunting, fishing and trapping privileges in the United States for two years.

Guard To Hold Off On Training In Grasslands

RAPID CITY (AP) — The South Dakota National Guard has postponed plans for training exercises on federal grasslands in the Black Hills after an environmental group warned the military about radiation levels caused by uranium deposits. Maj. Gen. Tim Reisch, adjutant general of the Guard, said Wednesday the group would hold off until it can be determined that radiation levels in the area do not pose health hazards to soldiers. The Guard was contacted by Defenders of the Black Hills coordinator Charmaine White Face about the possibility of contamination. "I'm very happy they're not going to be there for another year," White Face said. "But that radiation is not going away." Reisch told the *Rapid City Journal* there's no indication based on previous air samples that radiation samples at the proposed training area would be above safety standards, but the state will take the necessary precautions. The Guard leader said he appreciated the heads-up from Defenders of the Black Hills. "Anybody who has a concern about safety and writes the governor, that's good stuff as far as I'm concerned," Reisch said. "I know there's nobody more concerned about the safety of the South Dakota National Guard than the governor and myself. So, we're going slow on this." The Guard has been working for several years on plans to expand training locations from traditional Black Hills sites to include an area on the Buffalo Gap National Grasslands. The proposed training area would include about 800 acres in an arid, treeless terrain that would help simulate conditions in Afghanistan and Iraq.

State Data: More Nebraskans Waiting To Wed

LINCOLN, Neb. (AP) — Love may be in the air on Valentine's Day, but the state's latest available statistics suggest Nebraskans are waiting to get married, if at all. More than half of all Nebraska marriages in 2011 involved a bride or groom who was at least 30 years old. Twenty-five years ago, 36.1 percent of brides or grooms were that age, the *Lincoln Journal Star* reported. And 4.9 percent of all 2011 marriages in Nebraska involved a teenage bride or groom, down from 13.2 percent in 1986. Nebraska's marriage rate peaked in 1970 at 10.6 marriages per 1,000 people annually, according to the state figures. In 2011 the rate had dropped to 6.6 marriages per 1,000 people.

South Dakota

Senate Panel Endorses Incentives For Wind Power

BY CHET BROKAW
Associated Press

PIERRE — A South Dakota Senate committee endorsed a measure Thursday that would provide financial incentives to encourage the stalled construction of wind power projects in the state.

The Commerce and Energy Committee voted 6-1 to pass the measure after lawmakers and industry representatives said construction of wind farms has drawn to a standstill in South Dakota because the state imposes much higher taxes during construction than neighboring states do.

"Let's keep South Dakota open for business in wind energy," said Sen. Larry Rhoden, R-Union Center, the main sponsor of the bill. "Let's give these developers and utilities wanting to build multi-million dollar projects in our state a chance to succeed."

Rhoden and others said South Dakota currently would charge \$7 million to \$11 million in sales taxes and contractor's excise taxes during the construction phase of a typical wind farm. North Dakota, Minnesota and Iowa would charge only \$1 million to \$2 million, they said.

Rhoden's bill originally sought to give wind projects refunds of the sales taxes and contractor's excise taxes they paid during construction, but the committee approved a new version worked out by the wind energy industry and Gov. Dennis Daugaard's office.

The new version would give a wind project an incentive payment roughly equal to 2 per-



Rhoden

cent of its final cost. For example, a \$5 million project would get a \$100,000 incentive payment. One costing \$100 million would get a \$2 million incentive payment.

Dusty Johnson, the governor's chief of staff, said the incentive projects would be equal to about two-thirds of the sales taxes paid during construction by a wind power project.

In return for the reduction in construction taxes, new wind farms would no longer get rebates of a gross receipts tax that is applied after they begin operating, Johnson said. Companies now use rebates of the gross receipts tax during the first decade of operation to help build transmission lines.

Johnson said South Dakota now is at a disadvantage to other states because it has no overall economic incentive program for large industrial projects. A former tax refund program has expired, and a new program intended as a replacement was rejected by voters in the November election.

"Under the current tax regime, it's pretty hard to envision any large scale wind development in the foreseeable future," Johnson said.

Representatives of the wind energy industry said South Dakota's tax structure puts it at a disadvantage because it levies a 2 percent ex-

cise tax on contractor's gross receipts for a project, a tax other states do not have. South Dakota also charges a 4 percent sales tax on materials used in constructing wind farms and other projects.

Rob Rebenitsch, director of the South Dakota Wind Energy Association, said South Dakota has 784 megawatts of installed wind power, while North Dakota has twice as much. Iowa has 4,536 megawatts of wind power installed, according to the U.S. Energy Department.

Rebenitsch said more than 13,000 megawatts of wind generation was installed across the nation last year in 192 projects costing \$25 billion. "Unfortunately, none of that generation was installed in South Dakota," Rebenitsch said.

Wind energy officials said the bill is a good start, but they believe larger incentives are needed to attract wind farms to South Dakota. They said they hope the measure will be changed to provide larger incentives as it moves through the Legislature.

Sen. Mark Johnston, R-Sioux Falls, said he objected to the bill because it deals with only one industry.

Johnson, the governor's chief of staff, said state officials and legislators are making progress in devising an overall incentive program that would cover agricultural processing and all other kinds of large construction projects.

Neb. Lawmakers Consider Banning Police Drones

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — A Nebraska legislative committee showed strong interest Thursday in a bill that would keep remote-controlled surveillance drones out of police hands.

The bill by Sen. Paul Schumacher of Columbus would ban law enforcement agencies from using unmanned aircraft. Sen. Paul Schumacher of Columbus said his bill attempts to impose some state control over aerial spyware that has become smaller, cheaper and more sophisticated.

"The government does not need to have its nose over everybody's farm or in their backyard, just because (the technology) is there," he told the Legislature's Judiciary Committee.

Schumacher, a former county attorney, said lawmakers may want to consider exceptions for legitimate uses, such as search-and-rescue missions that don't violate personal privacy. He said he expects manufacturers will start aggressively marketing the drones to law enforcement agencies.

Several committee members agreed that the drones create a privacy threat. Sen. Ernie Chambers of Omaha, who represents a high-poverty and minority-heavy district, said he would support the bill "to the hilt" to protect residents from police abuse. Chambers said police could use the drones to hover outside of windows or over cars, with no probable cause.

"They want to be able to intrude on the personal lives of everyone," Chambers said.

Amy Miller, the legal director for ACLU Nebraska, said the Environmental Protection Agency has flown at least seven unmanned drones over rural Nebraska to monitor water-quality. Miller pointed to a 1989 U.S. Supreme Court ruling,

Florida v. Riley, in which police used a helicopter to confirm that a man was growing marijuana inside a greenhouse. The high court found no civil-rights violation, because the helicopter didn't create any undue noise, dust, or threat of injury.

"A drone is even more capable of invading our privacy than a helicopter hovering high above us," Miller said. "We need (a law) to protect Nebraskans' privacy rights, because the Supreme Court cannot keep up. It will be years before there's a ruling on drones, and we need Nebraska law protections now."

Schumacher said he introduced the measure after a constituent contacted him. But some lawmakers noted that stalkers or peeping toms could use drones as well.

Chambers said insurance companies might use them to try to catch recipients committing fraud.

In the time it took Miller to testify, Sen. Steve Lathrop of Omaha used his tablet to find a website that sells drones online.

"They're noiseless, they come equipped with a camera, they look like a dragonfly, and you can order one online for \$350," Lathrop said.

Sen. Al Davis of Hyannis said he was amazed at what the current technology can do, and suggested that businesses also could use drones for corporate espionage.

Miller said current law allows residents to sue if they catch an employer, an ex-spouse or a neighbor spying on them.

But "I think the larger concern is the damage that the government can do," Miller said. "If the government has information about me, their punishment or weight against me is so much more potentially damaging than what my crazy neighbor does."

Some police agencies have said the drones could be used for surveillance of suspects, search and rescue operations, and gathering details on damage caused by natural disasters.

South Dakota

State Appealing Ceremonial Tobacco Policy Change

BY DIRK LAMMERS
Associated Press

SIoux FALLS — South Dakota corrections officials on Thursday appealed a federal judge's decision that reinstated Native American inmates' ability to use tobacco for religious ceremonies.

An organization of Native American inmates sued the state in 2009 after prison officials eliminated an exception to the prison's smoke-free policy that allowed tobacco use during Native American ceremonies. Chief Judge Karen Schreier ruled in September that the prison system's ban substantially burdens Native American inmates' religious rights, and ordered state officials and members of the Native American Council of Tribes to submit suggested revisions.

Corrections officials agreed in their suggested revisions to allow tobacco at pipe ceremonies but wanted to prohibit its use in tobacco ties, prayer flags and inside the prison's sweat lodge. Schreier ruled in late January that tobacco should be permitted in all those circumstances.

"Plaintiffs demonstrated that tobacco ties and prayer flags which include tobacco play an important role in the exercise of their religion," she wrote.

Pamela Bollweg, the inmates' attorney, said she's disappointed that the state continues to deny Native American inmates their right to use tobacco as part of their traditional ceremonies.

"We'll continue to work to vindicate our clients' rights for religious freedom," she said Thursday.

Attorney James Moore filed the appeal with the 8th Circuit Court of Appeals on Thursday. Moore did not immediately return a call seeking comment.

Schreier in her ruling agreed with one state limitation, capping the amount of tobacco that could be mixed with other botanicals at 1 percent. Members of prison-based

Native American Council of Tribes had wanted to be able to go up to 10 percent tobacco in their mixtures, but Schreier said they didn't provide any rationale on why that much was needed.

Schreier in her ruling also said that the tobacco used for smoking does not have to be ground, but she required that it be ground when used for ties and flags. She denied the state's request to limit inmates to only cherry-blend tobacco.

The state argued that the policy was not overly restrictive because it allowed other botanicals, such as red willow bark, to be burned.

The South Dakota prison system went tobacco-free in 2000 but made an exception for Native American ceremonies. Officials in October 2009 eliminated that exemption, saying tobacco was being sold or bartered and inmates had been caught separating it from their pipe mixtures and tobacco ties.

Members of the Native American Council of Tribes sued after the exemption was eliminated, saying the policy change violated their U.S. constitutional rights ensuring that no prisoner be penalized or discriminated against for their religious beliefs or practices. Inmates Blaine Brings Plenty and Clayton Creek argued that for Native American prayer to be effective, it must be embodied in tobacco and offered within a ceremonial framework.

The U.S. Justice Department weighed in last July, saying in a brief that the state's position ran contrary to the Religious Land Use and Institutionalized Persons Act and U.S. Supreme Court precedent.

Schreier said in September that even if state officials had valid concerns that prompted them to change the policy, they should have used less restrictive means than an overall ban.

OBITUARIES

Betty Kirschenman

Betty A. Kirschenman, age 79 of Menno passed away on Thursday, Feb. 14, 2013, at the Menno-Olivet Care Center, Menno. Funeral services will be 1 p.m., Saturday, Feb. 16, at the Opsahl-Kostel Funeral Chapel, Yankton. Visitations will be from 5-8 p.m., Friday, Feb. 15, at the Opsahl-Kostel Funeral Home and Crematory, Yankton. Visitations will resume one hour prior to the service at the funeral chapel. Pallbearers will be Martin Nelson, Robert Heckenlaible, Kellin Kirschenman, Gordon Hauck, Mike Hauck and Gary Hauck.

Betty Ann was born on April 27, 1933, to Daniel and Edith (Frank) Watson. She married LeRoy Kirschenman on October 21, 1953. Betty would have cele-



Kirschenman

brated her 80th birthday party April 27, 2013 and their 60th wedding anniversary October 21, 2013. Betty volunteered at the Menno-Olivet Care Center Auxiliary for 31 years. She was very faithful about being present for their Tuesday morning craft days and spent a lot of her time doing crafts for the auxiliary and also enjoyed doing crafts at home. She eventually became a resident of the Menno-Olivet Care Center in October of 2011 and resided there until her passing on February 14, 2013.

Betty made 90 quilts in her lifetime and made one for each of her grandchildren.

She is survived by her husband, LeRoy of Menno, SD; daughter, Brenda (Dean) Grussing of St. Paul, MN; son, Darwin Kirschenman (Carol) of Menno, SD; daughter, Belva (Roger) Heckenlaible of Menno, SD; 11 grandchildren, 15 great-grandchildren; and one sister, Mary Minten of Alton, IA.

She was preceded in death by her parents, sister, Velma and infant brother, Willis.

Yankton Press & Dakotan
February 15, 2013



Online condolences at:
www.opsahl-kostelfuneralhome.com

Maynard 'Mike' Saylor

Maynard M. "Mike" Saylor, 78, of Yankton died Thursday, Feb. 14, 2013, at Good Samaritan Society, Scotland.

Funeral services are at 10:30 a.m. Monday, Feb. 18, at the Wintz & Ray Funeral Home, Yankton, with Rev. Charles Asche officiating. Burial will be in the Garden of Memories Cemetery, Yankton, with military honors provided by the Ernest-Bowyer VFW Post No. 791.

Visitation is 5-8 p.m. Sunday at the funeral home with a prayer service at 7 p.m. Visitation continues one hour prior to the funeral on Monday.

To post an online sympathy message, visit www.wintzrayfuneralhome.com.

Adeline Frick

Adeline Marie Frick, 79, of Yankton died early Thursday, Feb. 14, 2013, at the Avera Sister James Care Center, Yankton.

Mass of Christian Burial is at 10:30 a.m. Monday, Feb. 18, at Sacred Heart Catholic Church, Yankton, with the Rev. Mark Lichter officiating. Burial will be in the Sacred Heart Cemetery, Yankton.

Visitations begin at 5 p.m. Sunday at the Opsahl-Kostel Funeral Home & Crematory, Yankton, with a rosary at 7 p.m.

followed by a video tribute and then Scripture service at 7:30 p.m. Visitations will resume one hour prior to the service at the church.

Eva Wiebelhaus

Eva B. Wiebelhaus, 86, of Crofton, Neb., died on Thursday, Feb. 14, 2013, at Avera Sr. James Care Center in Yankton.

Mass of Christian Burial is at 10:30 a.m. Monday, Feb. 18, at St. Rose of Lima Catholic Church, Crofton, with the Rev. Timothy Lange officiating. Burial will be in the St. Rose of Lima Cemetery, Crofton.

Visitation is 3-6 p.m. Sunday, with a vigil service and video tribute at 4:30 p.m., at the church. Visitation will begin one hour prior to services on Monday at the church with the Wintz Funeral Home in Crofton in charge of arrangements.

To send online condolences or to view the video tribute, visit www.wintzrayfuneralhome.com

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