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OPINION | OUR VIEW

SDHSAA Needs To Prove Its Sincerity

To call it, as one lawmaker did, the “ultimate irony” may have been a little generous. This refers to a situation last week in Pierre when the board of the South Dakota High School Activities Association (SDHSAA) chose to convene in an executive (or closed) session to pass a resolution promising more transparency in how it conducts business.

The board undertook this step amid scrutiny and criticism over the fact that the SDHSAA board sees itself beyond the reach of the open-meeting laws that apply to other public agencies and boards. The board views its organization as such even though its members are covered by the South Dakota Retirement System, which is set up for public employees. It also is the regulating entity over the state’s high school activities — as the name clearly implies — and thus has access to many taxpayer-funded facilities from border to border. This past weekend’s State One-Act Play Festival in Brandon was the latest such event to be conducted under the SDHSAA flag.

So, in the face of two pieces of legislation — HB1141 and SB 90 — that would require that the activities association adhere to the same open-meeting regulations other taxpayer-supported entities must follow, the SDHSAA board went into closed session to declare its promise to be more open in its affairs.

“That’s probably the ultimate irony, that (they) drafted a resolution on transparency in closed executive session,” Sen. Corey Brown of Gettysburg told the *Sioux Falls Argus Leader*. To be honest, “hypocrisy” was the word that immediately jumped to our mind. Irony implies an unintended consequence in the action, while hypocrisy indicates a dismissal for the clear disconnect between words and actions.

In truth, this matter probably falls somewhere in between, which is appropriate, since this would also seem to apply to the SDHSAA. It’s a public entity that operates with state funds, but it is set up as a private nonprofit organization. (Indeed, its website address carries a .com domain suffix.) The organization’s power is granted under state law, but it also holds unquestioned control over the activities engaged in by private schools. And the association accepts items through corporate sponsorship — for instance, as the *Vermilion Plain Talk* noted last week, several staffers get free automobiles for use, and SDHSAA executive director Wayne Carney also receives commissions for corporate sponsorships that he generates.

It’s a gray area, to be sure, and it is fertile ground for such inconsistent operations and the cultivation of ironies and hypocrisies. HB1141 and SB 90 take away the doubts and the fog.

Some SDHSAA board members believe otherwise. Board member Mike Miller was quoted in the *Argus* as saying: “I think the resolution (that was passed in closed session) speaks to what this board is always wanting to do and wanting to be, and that’s open and transparent. We don’t really feel that it’s necessary to legislate what we’re going to do. We can police our own house and do a very good job of it.”

However, if they are “going to do” it, why should there be any problem with either law in the first place? It sounds like everybody is on the same page . . .

Oh, there is the business about policing their “own house” without government sticking its nose in and without those pesky open-meetings laws. A closed meeting to discuss openness does not make a particularly compelling argument for such trust.

This is a textbook example of why open-meetings laws are vital to everyone. They set down clear rules that generate the transparency every claims to want, and the rules aren’t sabotaged by thoughtlessness, clever mechanics and/or self-delusion.

That’s why the rules are needed.

And operating under that umbrella is the only way the SDHSAA board is going to prove to everyone that it’s really all about transparency.

kmh

ON THIS DATE

By The Associated Press

Today is Tuesday, Feb. 11, the 42nd day of 2014. There are 323 days left in the year.

Today’s Highlight in History: On Feb. 11, 1812, Massachusetts Gov. Elbridge Gerry signed a redistricting law favoring his Democratic-Republican Party — giving rise to the term “gerrymandering.”

On this date: In 1858, a French girl, Bernadette Soubirous, reported the first of 18 visions of a lady dressed in white in a grotto near Lourdes. (The Catholic Church later accepted that the visions were of the Virgin Mary.)

In 1862, the Civil War Battle of Fort Donelson began in Tennessee. (Union forces led by Brig. Gen. Ulysses S. Grant captured the fort five days later.)

In 1929, the Lateran Treaty was signed, with Italy recognizing the independence and sovereignty of Vatican City.

In 1937, a six-week-old sit-down strike against General Motors ended, with the company agreeing to recognize the United Automobile Workers Union.

In 1945, President Franklin D. Roosevelt, British Prime Minister Winston Churchill and Soviet leader Josef Stalin signed the Yalta Agreement during World War II.

In 1963, American author and poet Sylvia Plath was found dead in her London flat, a suicide; she was 30.

In 1964, The Beatles performed their first American concert at the Washington Coliseum in Washington, D.C.

In 1972, McGraw-Hill Publishing Co. and Life magazine canceled plans to publish what had turned out to be a fake autobiography of reclusive billionaire Howard Hughes.

In 1979, followers of Ayatollah Ruhollah Khomeini seized power in Iran.

In 1989, Rev. Barbara C. Harris became the first woman consecrated as a bishop in the Episcopal Church, in a ceremony held in Boston.

In 1990, South African black activist Nelson Mandela was freed after 27 years in captivity.

In 2012, pop singer Whitney Houston, 48, was found dead in a hotel room in Beverly Hills, Calif.

Ten years ago: Wesley Clark dropped out of the Democratic race for the White House. A car bomb at an army recruiting center in Baghdad, Iraq, killed 47 people. Cable TV giant

Comcast Corp. launched a hostile bid to buy The Walt Disney Co. for more than \$54 billion (Comcast later dropped its bid).

Five years ago: The nation’s top bankers went before the House Financial Services Committee, pledging to build public trust with greater lending and fewer perks. Stewart Parnell, owner of Peanut Corp. of America, repeatedly invoked his right not to incriminate himself at a House Energy and Commerce subcommittee hearing on a salmonella outbreak that had sickened hundreds. All-Star shortstop Miguel Tejada pleaded guilty to lying to Congress about steroids in baseball. (He was sentenced to a year’s probation.) Rep. John Dingell, D-Mich., who first went to Congress in 1955, became the longest-serving member of the U.S. House of Representatives. President Robert Mugabe swore in longtime rival Morgan Tsvangirai as Zimbabwe’s prime minister. Estelle Bennett, 67, one of the singing trio Ronettes, was found dead in her home in Englewood, N.J.

One year ago: With a few words in Latin, Pope Benedict XVI did what no pope had done in more than half a millennium: announced his resignation. The bombshell came during a routine morning meeting of Vatican cardinals. (The 85-year-old pontiff was succeeded by Pope Francis.)

Today’s Birthdays: Actor Conrad Janis is 86. Actress Tina Louise is 80. Actor Burt Reynolds is 78. Songwriter Gerry Goffin is 75. Actor Sonny Landham is 73. Bandleader Sergio Mendes is 73. Rhythm-and-blues singer Otis Clay is 72. Actor Philip Anglim is 62. Actress Catherine Hickland is 58. Rock musician David Uosikkinen (The Hooters) is 58. Actress Carey Lowell is 53. Singer Sheryl Crow is 52. Former Alaska Gov. Sarah Palin is 50. Actress Jennifer Aniston is 45. Actor Damian Lewis is 43. Actress Marisa Petroro is 42. Singer D’Angelo is 40. Actor Brice Beckham is 38. Rock M-C/vocalist Mike Shinoda (Linkin Park) is 37. Singer-actress Brandy is 35. Actor Matthew Lawrence is 34. Rhythm-and-blues singer Kelly Rowland is 33. Singer Aubrey O’Day is 30. Actress Q’orianka Kilcher is 24. Actor Taylor Lautner is 22.

Thought for Today: “Respect for ourselves guides our morals; respect for others guides our manners.” — Laurence Sterne, Irish-born English author (1713-1768)

FROM THE BIBLE

I want to remind you of the gospel I preached to you, which you received and on which you have taken your stand. By this gospel you are saved, if you hold firmly to the word I preached to you. Otherwise, you have believed in vain. Romans 15:1-2 NIV. Portals of Prayer, Concordia Publishing House, St. Louis



Pierre Report | Jean Hunhoff

Judiciary Committee Looks At Custody Laws

BY SEN. JEAN HUNHOFF
R-District 18 (Yankton)

Committee activities continue to highlight the session.

• In Judiciary this week, SB 74 is a bill that provides for consideration of joint physical custody of a minor. This is the third time this bill has surfaced and it made it out of the Senate.

Currently in disputed cases when parents cannot agree on custody of the child, the judge makes the decision how to allocate the custody. There has been a lot of press on 50/50 custody whereby the starting point for joint physical custody is beginning with equal custody by both parents and, then in my analysis, each party tries to find fault with the other so that the result is the custody is mostly by one parent. The conflict between the parents impacts the resulting custody outcomes. The custodial parent is seen as having the power to control access of the other parent to the child/children.

This bill establishes criteria by which the judge evaluates each parent’s involvement and or behavior prior to determining the custody. The positive is that the criteria would be standard and all judges would have a consistent approach to determine custody. The bill does not create starting at 50/50 custody but rather assessing the fitness of each parent for having custody of the child.

The bill sailed through the committee and Senate floor and is now in the House.

• SB 25 establishes the procedure to forfeit personal property in child pornography, human trafficking and child solicitation or exploitation cases. This bill is patterned after forfeiture laws in drug cases.

Basically the bill allows for forfeiture of personal property that is involved in the above listed cases. An example is when a computer is confiscated in a pornography cases and the person is convicted: The computer can be forfeited because the material on it was used for pornographic viewing. Any property seized and forfeited shall be used to reimburse the actual costs of criminal investigation and prosecution. Any amount over and above the amount necessary to reimburse for the investigation and prosecution shall be used to satisfy any civil judgment received by victims. All remaining proceeds from the sale of any forfeited property shall be paid into the South Dakota Internet Crimes against Children Fund.

The last two domestic abuse bills from the summer study were passed out of committee. SB 6 required a fiscal statement as a new penalty was being established if a child was present during an act of domestic abuse. The penalty would be a Class 1 misdemeanor. The bill had included a jail sentence, which was the reason for the fiscal statement. The sponsor removed the jail sentence but left the misdemeanor that basically allows the judge some options in sentencing.

• Local Government met once this week due to low volume of bills in that committee.

SB 68 was a bill brought in behalf of the Register of Deeds. It allows for the adopting of uniform electronic recording for certain documents. This was supported by Realtors and title companies. There are securities in place for the transfer of these documents electronically and there is an existing funding source within the Register of Deeds Commission that will cover the expenses of electronic recordings. The bill moved to the Senate Floor.

SB 82 raises the cap from \$3,000 to \$5,000 on purchases, sales and contracts made by public officers with the state or its political subdivisions. The contracts would need to be reasonable and just, less than what is required for competitive bidding and there is no other source of supply or services available within the county, municipality, township or school district. The bill passed out of committee.

SB 91 came out of Sioux Falls, resulting from a taxi company that currently is driving customers and serving liquor. This has been on the books, but some unique situations across the country of entrepreneurs doing something similar with maybe only one driver in some type of vehicle raises question if it is safe and what all is involved. The bill would allow local control to restrict carriers of this type. Interestingly, the bill lost by two votes in the Senate and was supported for reconsideration. The bill is being promoted as being proactive to allow local control to manage these requests.

YOUR LETTERS

Spotlighting Academics!

Joe Becvar, Tyndall

Great journalism by the *Yankton Press & Dakotan*, which nearly weekly prints news about our local schools academic achievements, publishes photographs and names of outstanding academic students from our neighborhoods.

Major newspapers throughout the nation feature sports sections on sports events rarely do they recognize academic achievements by their readers children.
Great job, *Press and Dakotan*.



J. Hunhoff

SB 105 was a bill to enable persons completing certain state and local government forms to decline to specify the person’s race on the form. Lawrence Diggs who owns the Vinegar Store in northern South Dakota spoke extensively to this bill. He spoke to the question does race really have intent and purpose as a data collection point for any-

thing. He gave examples of where race was incorrectly identified and then as there are more interracial marriages children from those marriages race is blended. Really, the question is: What is the benefit of race and then, if it is incorrect, is not the data for whatever purpose it is being collected incorrect also? He had an extensive presentation on his support for the bill. The only opponent came from the DOH because federal dollars coming into states in some cases are based on proportion of racial types in the state. His logic made sense but until the federal government changes its method of allocating dollars/resources to states based on racial diversity the data piece is necessary. People now don’t have to fill in race on the form but he suggested that just having race on the form encourages completion rather than eliminating it completely from the form. Interesting discussion but at this time didn’t make it out of committee.

• HH&S heard two house bills.

HB 1025 revised statutes for nursing home administrators. Two items in the bill that generated the most discussion was the 100 percent increase in the fees and dropping the educational requirement from a bachelors to associate degree for the administrator position. The fee increase was proposed to be necessary because in two years the funds will be depleted Fees had not been increased since 1971 so the board needs to catch up as expenses have continued to increase. In some of the rural areas, finding individuals that meet the qualifications for administrator has been difficult. Administrator licenses require experience and mentoring prior to assuming the position. The challenge is that the individual does not have the bachelor’s degrees. The bill was passed out of committee.

HB 1044 allows cosmetology services to be provided outside a licensed salon or booth. This allows for the services to be provided in homes, for demonstrations and special events.

SB 123 had a lot of testimony by opponents. The bill would require the DSS to develop a procedure to screen and test applicants for certain financial assistance benefits to determine if the applicants are using controlled substance. The first clarification that DSS provided was that the only program that could be impacted was TANF as the federal government prohibits Medicaid recipients and SNAP recipients from being tested. The opponents focused on the potential number of people that might be users and what would happen to the children if the benefits were taken from the family. The department believed they are working already in identifying if users are participating in the program and finding them the assistance for the controlled substance problem. The bill left too many questions as to implementation and also delegated everything to DSS for developing testing protocols and establishing penalties. The bill was sent to the 41st day.

SB 126 was the rewrite for the raw milk rules that were approved in December. The raw milk producers want a reduction in pathogen testing, eliminating the warning label on the product, and reducing some of the inspection standards. Raw milk is not pasteurized milk which means heating is not used to kill potential pathogens in milk that can cause serious illness/death. Raw milk is here to stay, as there are consumers that want the product. Raw milk producers are licensed by the state. Consumers of raw milk want to have the right to purchase the raw milk; Producers believe they are being over-regulated and thus cost prohibitive to produce raw milk. The Department of Agriculture’s job is to ensure food safety for the consumer. The bill was deferred to the 22nd legislative day for an attempt to bring the parties to some consensus.

It is always great to see District 18 constituents in Pierre. Your input is important. Yankton Day at the Legislature is today (Tuesday) — see you there!

Online Opinion

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

LATEST RESULTS:

Do you support Yankton’s Meridian Plaza development plan?
Yes 46%
No 39%
Not sure/don’t care 15%
TOTAL VOTES CAST 312

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:

Who would you support in a hypothetical three-way Senate race between Mike Rounds, Rick Weiland and Larry Pressler?
To vote in the *Press & Dakotan*’s Internet poll, log on to our website at www.yankton.net.