

THE PRESS & DAKOTAN

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OPINION | OUR VIEW

Animal Cruelty Bill
Is Long Overdue

South Dakota is currently on track to finally join the rest of the nation in adopting a law that makes animal cruelty a felony.

It's about time.

After years of failure, this current legislation — Senate Bill 46— passed through a Senate panel unanimously last week and now goes to the full Senate for consideration.

If this measure becomes law, it will be a victory for the art of compromise and the ability for proponents and opponents to find some common ground on an issue.

According to the *Argus Leader*, the effort to make animal abuse a felony had been stymied for years in the Legislature, mostly due to the resistance of wary agricultural groups concerned that such a measure might be used to target such common agribusiness practices as cattle branding.

But this year may be different. The current legislation was crafted by officials from farm groups working with animal-rights activists — yes, you read that right — as well as with law enforcement officials and veterinarians to come up with legislation that everyone could embrace.

The current bill would target animal cruelty, which the measure defines as “gross physical abuse,” usually intentional in nature, that causes death, serious injury or prolonged pain. The maximum penalty would be two years in prison and a \$4,000 fine. Neglect, abandonment or mistreatment of an animal would remain a misdemeanor.

At present, South Dakota law states that the inhumane treatment of animals is a Class 1 misdemeanor, carrying a maximum penalty of a year in jail and a \$2,000 fine. And yes, ours is literally the only state in the country that does not have a felony designation for animal cruelty on the books.

“It turns out that finding common ground was easier than we might have guessed,” State Veterinarian Dustin Oedekeven, who played a major role in bringing the various groups together on this legislation, told *The Associated Press*. “We all care for animals. We all want what is best for them. . . . What is clear is there are certain acts against animals that we all will not tolerate.”

The key statement there is, “We all care for animals” — which is very true. The question for some people has always been, how do we protect animals while also protecting the practices of those who work with animals?

SB46 appears to be that method. It toughens the law in specific instances of cruelty, while it generally leaves intact other issues such as neglect or what could be seen by some as mistreatment. Thus, it also provides protections for cattle producers. Jodie Anderson, executive director of the South Dakota Cattlemen's Association, told radio station WNAX she believes the bill will not only protect animals, but it will also protect producers from animal-rights groups that may try to target animal operations.

Certainly, none of this may be as clear cut in practice as it is in legislative concept. We could foresee cases in which trying to establish intent that could be defined as cruelty rather than mistreatment may generate some gray legal areas that will no doubt be argued in judicial arenas.

Nevertheless, this proposal is a good step forward, especially for a state in which animals play a vital role in our biggest economic driver. The fact that it has taken so long is not something we should be proud of, but it certainly should not diminish the progress being made with this overdue measure.

kmh

ON THIS DATE

By The Associated Press

Today is Tuesday, Feb. 18, the 49th day of 2014. There are 316 days left in the year.

Today's Highlight in History: On Feb. 18, 1564, artist Michelangelo Buonarroti died in Rome, just weeks before his 89th birthday.

On this date: In 1861, Jefferson Davis was sworn in as provisional president of the Confederate States of America in Montgomery, Ala.

In 1885, Mark Twain's “Adventures of Huckleberry Finn” was published in the U.S. for the first time.

In 1913, Mexican President Francisco I. Madero and Vice President Jose Maria Pino Suarez were arrested during a military coup (both were shot to death on Feb. 22).

In 1930, photographic evidence of Pluto (now designated a “dwarf planet”) was discovered by Clyde W. Tombaugh at Lowell Observatory in Flagstaff, Ariz.

In 1939, the Golden Gate International Exposition opened on Treasure Island in San Francisco.

In 1943, Madame Chiang Kai-shek, the wife of the Chinese leader, addressed members of the Senate and then the House, becoming the first Chinese national to address both houses of the U.S. Congress.

In 1953, “Bwana Devil,” the movie that heralded the 3D fad of the 1950s, had its New York opening.

In 1960, the 8th Winter Olympic Games were formally opened in Squaw Valley, Calif., by Vice President Richard M. Nixon.

In 1970, the “Chicago Seven” defendants were found not guilty of conspiring to incite riots at the 1968 Democratic national convention; five were convicted of violating the Anti-Riot Act of 1968 (those convictions were later reversed).

In 1984, Italy and the Vatican signed an accord under which Roman Catholicism ceased to be the state religion of Italy.

In 1994, at the Winter Olympic Games in Norway, U.S. speedskater Dan Jansen finally won a gold medal, breaking the world record in the 1,000 meters.

In 2001, auto racing star Dale Earnhardt Sr. died in a crash at the Daytona 500; he was 49.

Ten years ago: Howard Dean's quest for the presidency ended as the Democrat, winless in 17 contests, abandoned his bid. In Iran, runaway train cars carrying fuel and industrial chemicals derailed, setting off explosions that destroyed five villages and killed at least 200 people.

Five years ago: President Barack

Obama launched a \$75 billion foreclosure rescue plan aimed at saving homes. Secretary of State Hillary Rodham Clinton began a two-day visit to Indonesia. Eric Holder, the nation's first black attorney general, said in a speech to Justice Department employees marking Black History Month that the United States was “a nation of cowards” on matters of race. Pope Benedict XVI received House Speaker Nancy Pelosi at the Vatican, telling her that Catholic politicians had a duty to protect life “at all stages of its development.” The remnants of New York's Shea Stadium were demolished.

One year ago: The European Union imposed trade and economic sanctions on North Korea while condemning “it in the strongest terms” the nation's latest nuclear test. Robbers stole a reported \$50 million worth of diamonds from the hold of a Swiss-bound plane at Brussels' international airport; more than 30 people were later detained and some of the loot recovered. President Hugo Chavez returned to Venezuela after more than two months of treatment in Cuba following cancer surgery.

Today's Birthdays: Actor George Kennedy is 89. Former Sen. John Warner, R-Va., is 87. Author Toni Morrison is 83. Movie director Milos Forman is 82. Singer Yoko Ono is 81. Singer-songwriter Bobby Hart is 75. Singer Irma Thomas is 73. Singer Herman Santiago (Frankie Lymon and the Teenagers) is 73. Singer Dennis DeYoung is 67. Actress Sinead Cusack is 66. Actress Cybill Shepherd is 64. Singer Juice Newton is 62. Singer Randy Crawford is 62. Rock musician Robbie Bachman is 61. Rock musician Larry Rust (Iron Butterfly) is 61. Actor John Travolta is 60. Game show host Vanna White is 57. Actress Jayne Atkinson is 55. Actress Greta Scacchi is 54. Actor Matt Dillon is 50. Rapper Dr. Dre is 49. Actress Molly Ringwald is 46. Actress Sarah Brown is 39. Actor Ike Barinholtz (TV: “The Mindy Project”) is 37. Actor Kristoffer Polaha is 37. Singer-musician Sean Watkins (Nickel Creek) is 37. Actor Tyrone Burton is 35. Rock-singer musician Regina Spektor is 34. Opera singer Isabella Leonard is 32. Roots rock musician Zac Cockrell (Alabama Shakes) is 26. Actor Shane Lyons is 26. Actress Maiara Walsh is 26.

Thought for Today: “The lack of a sense of history is the damnation of the modern world.” — Robert Penn Warren, American author, poet and critic (1905-1989).

FROM THE BIBLE

“Blessed is the one who does not walk in step with the wicked or stand in the way that sinners take or sit in the company of mockers, but whose delight is in the law of the Lord, and who meditates on his law day and night. That person is like a tree planted by streams of water, which yields its fruit in season and whose leaf does not wither — whatever they do prospers.” Psalm 1:1-2 NIV Portals of Prayer, Concordia Publishing House, St. Louis



‘YOU MAKE THE IDEA OF LEAVING THIS PLACE MORE AND MORE APPEALING....’

Pierre Report | Bernie Hunhoff

Explaining Local Control

BY REP. BERNIE HUNHOFF

D-District 18 (Yankton)

When it comes to governing, everyone says they want local control. Move the decision-making progress as close to home as possible. It's as American as apple pie.

But it's amazing how many bills in the South Dakota state legislature flaunt the notion of local control.

One particular bill (HB 1066) would restrict local schools, cities or counties from declaring Gun Free Zones unless they also go to the expense of adding metal detectors at all the entrances.

Another bill (HB 1093) would establish a specific start date for all school districts in South Dakota.

HB 1211 would prevent local governments, schools — or private employers, for that matter — from prohibiting guns on their property.

And I'll admit that even I had a bill (HB 1139) to limit how much government offices can charge for public information. It was prompted when some state agencies charged an interested citizen very high amounts for information related to the EB-5 economic development controversy.

For better or worse (better in most cases), those bills have all died so if you like local control you can breath easier.

But one particular piece of legislation is a very tough call for lawmakers who believe in local control, and who also want a ban on texting while driving. HB 1177 started out as a prohibition on city texting bans, another attack on local control.



B. Hunhoff

Six of South Dakota's largest cities, including Vermillion, have now passed texting laws because the legislature has failed to pass a statewide ban. The city bans are considered primary offenses, meaning an officer can stop you because you are texting. Some opponents of a state texting ban have now attached a statewide texting ban on the bill to restrict cities from having their own laws. They argue that the local bans violate a state statute that seeks to have uniform traffic laws.

However, the statewide ban amended onto HB 1177 is only a secondary offense, meaning an officer must stop you for another purpose before writing a ticket for texting while driving. The bill also prevents an officer from confiscating your cell phone for evidence.

This puts proponents of a real texting ban in a quandary. Do they vote for a weak statewide ban, even though it violates the principle of local control and ends the cities' stronger bans? We passed the bill with the weaker ban on the House floor, so it goes to the state senate but it will probably end up in a conference committee in the wee hours of the session. Meanwhile, a stronger texting ban without the local ban is being considered in the senate.

I'm sure that this is all about as easy to understand as an abbreviated text from a teenager, as in P2C2E (Process Too Complicated To Explain).

But we'll keep you posted.

Pierre Report | Tom Jones

The Session At The Midpoint

BY SEN. TOM JONES

D-District 17 (Viborg)

Opening our fifth week of the 2014 legislative session, Monday morning we listened to the Department of Corrections.

The adult prison count is 3,600 — 3,200 are male and 400 are female. Their budget is \$113 million. The Mike Durfee prison in Springfield has 2/3 of their inmates in a trade learning program with a waiting list to enroll as the programs it offers are full. There are just over 200 inmates on work release. There are also more than 500 inmates doing community service work in many communities. They amassed more than 2 million hours last year and work at the rate of \$25 an hour.

In the Senate side of Monday's session, we passed SB 2, 3, 4, 5, 6 and 7 — all of which were initiated by a study group that met last summer concerning domestic violence. I voted for all six bills. A bill to appropriate money for Teach for America failed 22-10 as it required a two-thirds vote to pass (24 needed). I was excused and did not vote on the bill. It was brought up for re-consideration the next day and did pass (to reconsider). I voted to reconsider.

Monday evening Senator Vahle, the chairman of the Senate Transportation Committee, spoke at the Contractors' Banquet. He is quite concerned about the future of our state roads. Today, we have only 2 percent of state roads that are in poor shape and 6 percent are in fair shape. This is a good picture of our roads now. However, projected out 10 years, assuming we do the same with our roads as we are doing now, 27 percent of our state roads will be in poor shape and 24 percent will be in fair shape. This is not good news for us down the road. No pun intended. Just imagine driving on Highway 19 and one mile of each four miles will be classified as a road in poor condition.

Tuesday morning we heard from the Office of the Attorney General. It has 170 full time employees



Jones

and is requesting five additional new FTE's. Mr. Jackley, our Attorney General, gave a detailed report of his offices' activities. Since 1999, South Dakota has received \$342 million in tobacco settlements, averaging somewhere between \$20-25 million each year. We are getting tougher on “meth.” The meth arrests have doubled from 669 in 2012 to 1,229 in 2013.

We also heard from the Unified Judicial System. This group is our court system. They are requesting an additional 8 full time employees which is a continuation of the Criminal Justice Reform Act that we passed in last year's session.

Wednesday morning, we listened to the Department of Human Services. They serve more than 27,000 people and have a budget of \$188 million. We also heard the budget proposal of the Department of Health. They employ 420 FTEs and have a budget of \$89 million. They have a Hemsley Grant for \$1.2 million for an Automated Chest Compression System for each EMS across the state. It will take 1-2 years to get these life-saving machines distributed along with educating the EMTs.

Senate Bill 169 is receiving a lot of attention. It provides for access to and use of public waters on public and private property and to protect private property rights to the owners. It did pass the Senate State Affairs Committee 6-3. However, it has been amended on the Senate floor and will be heard again on Tuesday.

In closing, 2014 is an election year again and I have decided not to run for re-election to the State Senate. I have enjoyed most of the last few years as your representative in the state House and as your state senator. It has been my pleasure to serve you and the entire state of South Dakota.

Again, if you have questions or opinions you would like to express to me, please e-mail me at sen.jones@state.sd.us.

YOUR LETTERS

Animal Ordinance Question

Norma Washburn, Yankton

Reading the article in the *Press & Dakotan* (Jan. 23) about the dog laws, one part of it I had to read two or three times. Maybe I misinterpreted it:

“You have to leash dogs that are in cars, but you can leave a dog unleashed in the back of a pickup.”

I could get away from a dog in a car, but I sure can't outrun a dog in a pickup box.

What's wrong with that scenario? Did I not read it right?

This is the response from Ross K. Den Herder, the attorney for the City of Yankton and one of the individuals who helped craft the new animal ordinance:

The animal ordinance does not require “leashing” within a vehicle — only keeping the animal within the vehicle. Here is the applicable portion of the ordinance:

“5-23 Offenses — (b) Restraint of Animal in Vehicle. No owner shall permit an animal within a motor vehicle upon a public street or any parking lot within the City unless said animal is properly restrained so the animal cannot reach outside the confines of said motor vehicle. For purpose of this ordinance, a dog in the back of a pickup is restrained.”

At the time the ordinance was drafted, both the animal enforcement officer and the City Commission weighed in on the issue of animals within the box of a pickup truck. Ultimately, it was determined there is not a present serious problem related to animals jumping out of pickup trucks. The City Commission did not wish to discourage people from patronizing Yankton businesses because they could not take their

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 raising the minimum wage?

Yes	.58%
No	.39%
Not sure	.3%
TOTAL VOTES CAST	387

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 making animal cruelty a felony in South Dakota?

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

dogs into town in the back of their pickups. As such, a broad exception was made.

In response to the stated concern of the writer, it is not OK for a dog to jump from the box of a pickup to attack someone anymore than if the animal is jumping from inside a vehicle. If a dog jumps from a pickup box someplace off the owner's private property, the dog must be leashed. If not, the owner violates the portion of the ordinance requiring owners to leash their dogs. If a dog attacks a person, that is also a violation. Owners must remain responsible for their animals.

In any event, anyone wishing to change or revisit an ordinance presently on the books should contact members of the City Commission.