

Neb. Lawmaker Files Bill To Tax Soda Pop

LINCOLN, Neb. (AP) — A Nebraska lawmaker wants to end a state sales tax exemption on soda pop and energy drinks and use the money to fight childhood obesity.

State Sen. Bill Avery of Lincoln introduced a measure (LB753) Wednesday that would channel the tax revenue into state-based efforts to promote health. The bill would allocate \$100,000 for a statewide database to monitor student obesity and fitness.

Some of the money would go to the state Department of Education to improve school meal programs and support school district wellness coordinators.

Avery introduced the bill on the first day of an expected 60-day legislative session.

Retailers Shopko And Pamida To Merge

OMAHA, Neb. (AP) — Retailers Shopko and Pamida say they plan to merge, creating a company with nearly 350 stores in 22 states.

Terms of the deal announced Wednesday weren't disclosed. The merger is expected to close in mid-February.

The companies, owned by investment firm Sun Capital Partners Inc., are focused on smaller and rural communities. Shopko, based in Green Bay, Wis., has 149 stores in 13 states and annual revenues of \$2 billion. Pamida, based in Omaha, Neb., has 193 stores in 17 states, with revenues of \$1 billion.

The companies say there will be no change to Shopko's stores, and \$80 million will be invested over the next 12 months to convert most of the Pamida stores into Shopko Hometown stores.

The plan includes new stores in the second half of 2012.

S.D. Man Pleads Guilty To Inv. Manslaughter

PIERRE (AP) — A Mission man has pleaded guilty to two counts of involuntary manslaughter as the result of a June traffic crash.

U.S. Attorney for South Dakota Brendan V. Johnson said 38-year-old Shad Dillon pleaded guilty Wednesday in federal court.

Sentencing has been set for March 26. The maximum penalty for each count is eight years in prison and a \$250,000 fine.

Authorities said Dillon had been drinking and was speeding in Mission when he crashed into another vehicle. Two occupants of the other vehicle were killed.

S.D. Sen. Thune Not Interested In V.P. Race

PIERRE (AP) — South Dakota Sen. John Thune says he's not interested in being Mitt Romney's running mate if the former Massachusetts governor wins the Republican presidential nomination.

But Thune, a staunch supporter of Romney's bid for president, says he never rules out any opportunity to serve his state and country. He says his best chance to make a difference is continuing to work in the Senate.

Thune campaigned in Iowa for Romney, who won a narrow victory in that state's caucuses Tuesday. The Republican senator says his goal is to get Romney elected president because he believes Romney would help solve the nation's problems.

Thune says it's premature to talk about being Romney's running mate because there's a long way to go in the battle for the GOP presidential nomination.

Future Of Destroyed Dealership Uncertain

WESSINGTON SPRINGS (AP) — The future of a vehicle dealership in Wessington Springs that was destroyed by fire is uncertain.

The blaze early Tuesday at Springs Auto Inc. consumed the dealership and the vehicles inside the showroom. The cause wasn't immediately determined. Owner Lawrence Caffee tells *The Daily Republic* newspaper that he isn't sure whether he will rebuild.

Fire Chief Keith Wetzel works as a mechanic at Springs Auto, which he says has 10 employees. Wetzel tells *The Daily Republic* and KELO-TV that he hopes the dealership is rebuilt.

Facebook Predator Loses Appeal In North Dakota

FARGO, N.D. (AP) — A federal appeals court has rejected an appeal by a Minnesota man who admitted he set up a Facebook account under a false identity to lure young girls and used the site to contact a 13-year-old for sex.

Darrin Anderson, 36, of Middle River, Minn., was sentenced in May to 12 years in prison after pleading guilty earlier to a charge of travel to engage in illicit sexual conduct. Defense attorneys claimed in their appeal that the sentence was unreasonable.

A three-judge panel of the 8th U.S. Circuit Court of Appeals in St. Louis upheld the sentence in an opinion released Wednesday.

"Mr. Anderson chose to use Facebook as a tool to target girls as young as 13 who lived in the Red River Valley for sex," said Timothy Purdon, the U.S. attorney from North Dakota who argued the appeal. "This opinion should serve as a warning to online predators that they will face stiff punishment in North Dakota for their actions."

Neil Fulton, federal public defender for North Dakota and South Dakota, said Wednesday that his office was reviewing the opinion. He had no further comment.

Court documents show that Anderson engaged in more than 800 private chats between December 2006 and July 2009, mostly with young girls. Authorities said he used the alias Tyler Anderson to create an online account on Facebook and portrayed himself as a young man in his teens or early 20s.

The fictitious character eventually introduced the victim online to Darrin Anderson, who used his real identity and offered to pay cash in exchange for sex. In August 2009, Anderson traveled from Walhalla, N.D., where he was working, to East Grand Forks, Minn., to have sex with the girl in exchange for \$300, according to the court documents.

The probation office recommended a sentence of more than seven years in prison. U.S. District Judge Ralph Erickson sentenced Anderson to 12 years and imposed special conditions of release prohibiting Anderson from drinking alcohol and possessing sexually explicit materials.

Erickson said the sentence needed to reflect the serious nature of the offense and promote respect for the law.

"I mean, it's incredible in its perversity," Erickson said at sentencing. "The act is incredible in its objectification of a young girl. It's heartless. It's cruel. It's callous. It's depraved. It's perverse. And there's no other way to describe it. And that ain't the all of it."

Lawmakers Unsure Of Wind Energy Tax Cut

BY CHET BROKAW
Associated Press

PIERRE — South Dakota lawmakers appear to be taking a wait-and-see attitude on a proposal to cut construction taxes on wind farms to help the state compete with its neighbors in attracting projects that generate electricity from wind.

In a survey by The Associated Press, about 51 percent of the lawmakers responding said they are undecided on the proposal to cut taxes on companies building wind farms. Some 37 percent said they would support such a measure, while only 12 percent were opposed.

A legislative task force recommended in October that the state reduce construction taxes on wind farms, but the panel left it up to Gov. Dennis Daugaard and the Legislature to decide exactly how to reduce the contractor's excise tax and sales tax that apply to construction costs of wind farms.

Legislative leaders said many lawmakers are undecided on the issue because the study committee did not make specific recommendations for tax cuts.

"I don't think people have had a chance to study what the committee really did and aren't terribly familiar with the current taxation scheme and how it compares with other states," said House Republican Leader David Lust of Rapid City.

Seventy-three of the 105 members of the Legislature responded to the AP survey between Dec. 12 and Dec. 31, for a response rate of 70 percent. While 57 of the Legislature's 80 Republicans responded, 16 of the 24 Democrats

returned the survey. One lawmaker is an independent and did not return the survey, which asked lawmakers for their opinions on issues facing them in the 35-day legislative session that opens Tuesday.

Based on an analysis done by wind farm developers, the task force found that South Dakota's total tax burden on wind project construction is substantially higher than taxes imposed in nearby states.

South Dakota charges a 4 percent sales tax on materials used in constructing wind farms and other projects. It also levies a 2 percent excise tax on a contractor's gross receipts for a project.

The task force reported that the South Dakota sales tax and contractor's excise tax on a 200-megawatt wind project, with an estimated price tag exceeding \$300 million, would be \$12.9 million under current law and could jump to \$22 million after a tax rebate program expires at the end of 2012. Construction taxes on the same project would be \$2 million in North Dakota, \$2.8 million in Minnesota and \$3.4 million in Iowa, according to the panel's analysis.

The issue is complicated by uncertainty about South Dakota's current tax refund programs for wind farms and other large construction projects. That law allows developers of large wind farms to get a 45 percent refund of construction taxes for projects costing \$10 million to \$40 million, and a 55 percent tax refund for projects exceeding \$40 million.

A law passed last year is supposed to replace the current refund system with a discretionary grant program run by the state Board of Economic Development, but the fate of that new

law is uncertain because opponents have referred it to a statewide public vote in November.

In the task force meetings, a state official said a tax cut just for wind farms could cause problems because states are legally required to apply construction taxes equally to all projects, no matter what kind of company or government is building a project.

Lust said the Legislature might eventually embrace a plan to cut construction taxes on wind farms because lawmakers usually support economic development proposals that have merit.

Senate Democratic Leader Jason Frerichs of Wilmot said he would like to see the contractor's excise tax eliminated entirely because it harms all kinds of development, not just wind projects. However, he noted the state would have to find some revenue to replace the tax, which brings in about \$70 million a year.

House Democratic Leader Bernie Hunhoff of Yankton said he hopes the Legislature will find a way to make taxes on wind projects competitive with adjoining states.

"I sense that there's good support for making South Dakota competitive in this new green economy," Hunhoff said.

In the AP survey, a construction tax cut for wind farms got stronger support from Democrats than from the Republican majority. While 10 Democrats said they support such a tax cut, none opposed it and six were undecided. Among Republicans, 17 said they favor cutting taxes for wind farm construction, while 9 were opposed and 31 were undecided.

Number Of Gonorrhea Cases Surges In South Dakota

SIoux FALLS (AP) — A state health official said Wednesday he is alarmed by preliminary data showing the number of gonorrhea cases in South Dakota in 2011 surged to its highest level in a generation.

State Epidemiologist Lon Kightlinger said that according to the data there were 573 cases of the sexually transmitted disease in South Dakota in 2011, the highest number in a single year since 1987. There were 468 reports of the STD in 2010.

Kightlinger said the rapid increase is caused by more risky behaviors — multiple sex partners, sex at an earlier age and unprotected sex, among other things — especially among people age 24 and younger, who accounted for more than 50 percent of the cases in 2011. Females accounted for 66 percent of the cases.

The incidence of the sexually transmitted disease is more than five times higher in western South Dakota than it is in eastern South Dakota, according to the data.

Kightlinger had few theories on

the cause for the disparity — "our main concern here is we have people not practicing safe sex" — but said American Indians continue to account for a high percentage of cases. A breakdown by race was not yet available for the 2011 data, but a report combining data from 2006 to 2010 showed American Indians accounted for 56 percent of gonorrhea cases although they made up less than 10 percent of the population.

People diagnosed with gonorrhea can be reluctant to disclose

the names of their sexual partners, so health officials are hoping expedited partner therapy will help. Also called patient-delivered therapy, the diagnosed patient can get the prescription or medication for their partner without the partner having to visit the doctor.

Left untreated, gonorrhea can increase a person's risk for HIV and is a common cause of pelvic inflammatory disease in women.

Karen Pettigrew, a nurse at Community Health Center of the Black Hills in Rapid City, said antibiotics

can be started immediately upon diagnosis and can successfully stop the infection. The Centers for Disease Control has noted that some drug-resistant strains of gonorrhea are increasing, but Kightlinger said that is not much of a concern in South Dakota.

The CDC reports that national gonorrhea rates increased slightly in 2010 — the latest year available — to more than 300,000 cases. A spokesperson for the CDC said the rate is still at historically low levels.

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