

S.D. National Guard Marking 150 Years

RAPID CITY (AP) — The South Dakota National Guard is celebrating 150 years of service Friday.

The organization was formed Jan. 27, 1862, dating back to the Dakota Territory.

Units have served in nearly every major war or conflict since the Civil War, as well as assisted with recovery efforts from natural disasters.

Adjutant General Maj. Gen. Tim Reisch says the organization is proud to be celebrating the milestone and looks forward to serving the state and nation in the future.

He says, “Other than during World War II when there was a total mobilization of the South Dakota National Guard, these past 10 years clearly ranks among the most significant periods of our history.”

To mark the anniversary, the South Dakota National Guard is planning several celebrations later this year.

Sather Appointed To S.D.’s GFP Commission

PIERRE (AP) — Gov. Gov. Dennis Daugaard has appointed Sioux Falls businessman Duane Sather (SAY’-thur) to the South Dakota Game, Fish and Parks Commission.

Sather currently serves as a director of several privately held companies that build and operate ethanol plants.

In a news release, Daugaard says Sather is an avid hunter and will bring a sportsman’s perspective as well as a landowner’s perspective to the Commission.

Sather succeeds James McMahon of Canton, who has been a commissioner since 2008.

Sather says it’s an honor to join the commission. He says he will do his best to maximize hunting and fishing opportunities in the state and promote South Dakota’s parks and campgrounds.

GFP appointments are subject to state Senate confirmation.

S.D. Authorities Searching For Missing Parolee

SIOUX FALLS (AP) — South Dakota authorities are searching for a parolee who walked away from a minimum-security portion of the state penitentiary in Sioux Falls.

Twenty-four-year-old Clifton Desersa went missing Friday morning after he walked away from a community transition program at the South Dakota State Penitentiary.

Desera is serving a five-year sentence for third-degree burglary out of Pennington County.

Nebraska Lawmaker Pulls Death Penalty Bill

LINCOLN, Neb. (AP) — A measure to abolish the death penalty in Nebraska has been pulled from debate in the Legislature, but could return later in the session.

Omaha Sen. Brenda Council filed a motion Friday to indefinitely postpone her own bill (LB276) until she can learn more about how state officials obtained a lethal injection drug.

The lawyer for death-row inmates Carey Dean Moore and Michael Ryan has challenged the legality of the sodium thiopental purchase, saying the doses were not supposed to be sold.

Nebraska Attorney General Jon Bruning has produced documents that show an Indian drug broker bought the drug from a Swiss manufacturer, and then sold the doses to Nebraska.

Council says she will likely seek to revive the bill for more debate later in the session.

AG: S.D. Officers Were Justified In Shooting

PIERRE (AP) — Three law officers involved in the shooting of a suspect after a vehicle chase in the Rapid City area have been cleared of any wrongdoing after an investigation.

Attorney General Marty Jackley says Highway Patrol Trooper Robert Rybak and city Officers Michael Frybarger and Sean Doyle were justified in firing their weapons.

The suspect who was shot on Jan. 10, 42-year-old James Baker of Gillette, Wyo., has been charged with attempted murder and six other felonies. He allegedly shot at officers but did not hit any of them.

Baker is recovering in a Rapid City hospital. He’s formerly from the South Dakota town of Box Elder, which is near Rapid City.

Man Imprisoned For Running Down Officer

LINCOLN, Neb. (AP) — A 25-year-old man whose car hit a Lincoln police officer has been given two-to-three years in prison.

The *Lincoln Journal Star* reports (<http://bit.ly/A6votn>) Christopher Lopour had pleaded no contest to assault. He was sentenced on Thursday.

Police say a traffic officer using a radar set waved over Lopour for speeding around 8:30 a.m. on Aug. 26. Lopour slowed, but then sped up. His car hit the officer, Ty Denney, who rolled on the car hood before falling to the pavement.

Denney suffered only minor injuries and returned to work later in the day.

A witness followed Lopour’s car and called police.

Project To Move S.D. Train Depot Gets Boost

FORT PIERRE (AP) — An effort to move the century-old Fort Pierre train depot back home has gotten a big financial boost.

The state Department of Transportation Commission has approved a \$500,000 allocation from the state’s share of the federal gas tax. The money will help the project to move the depot from rural Faith to a site on U.S. Highway 83 in Fort Pierre and renovate it as a tourist attraction.

The depot was put to use in 1906. It was sold as surplus in 1964 and moved to a ranch to be used for storage. Moving it back to Fort Pierre will cost about \$750,000. Private donations and in-kind contributions also will be used. About \$125,000 is still needed.

S.D. Lawmaker Loses Speaking Rights In House

BY CHET BROKAW
Associated Press

PIERRE — A member of the South Dakota House has been moved to a new seat and lost the privilege of speaking on the chamber floor as a result of a dispute with legislative leaders.

House Speaker Val Rausch, R-Big Stone City, said Friday he won’t recognize Rep. Stace Nelson, R-Fulton, as a speaker during House sessions because Nelson refuses to meet with him to discuss allegations that he verbally abused and threatened another House member earlier this week. Rausch also moved Nelson to a desk just in front of where the speaker stands while presiding over the House.

Rausch said Nelson showed disrespect for the office of speaker by declining the request for a meeting.

“When he comes and talks to me, then maybe he’ll get some floor privileges back. If he doesn’t, we’ll see what happens,” Rausch said.

Nelson said he isn’t proud of what was said during the conversation that took place on the House floor after Tuesday’s session but he didn’t threaten another lawmaker. He said House leaders are punishing him for his earlier allegations that they sought confidential information last year about bills being prepared for other lawmakers.

“This is retaliation for the information I’ve

provided in the past,” Nelson said.

Nelson and five other Republican lawmakers signed a letter in November questioning whether Rausch and other top House leaders tried to violate a policy forbidding legislative staff from revealing information about research requests or bills before they are introduced and made public. Nelson also accused one leader of interfering with his request for staff research on changing the way the Legislature’s website reports some votes.

A legislative panel held a hearing earlier this month and decided that the allegations against the House leaders were based on unsubstantiated rumors and “simply without merit.”

Rausch said his actions this week were not retaliation for the earlier allegations, which lawmakers have resolved and put behind them.

The speaker said he moved Nelson to another desk and stopped letting him speak on the House floor because Nelson’s behavior is unacceptable.

“I’m not going to allow him to run rogue and be intimidating and threatening and not have any recourse for that action,” Rausch said.

Speakers have had disagreements with lawmakers in past years, but legislative staff said they cannot recall anything on the scale of the dispute between Nelson and Rausch.

The conversation that led to Nelson’s discipline occurred after Tuesday’s House ses-

sion, when Nelson said he approached Rep. Nick Moser, R-Yankton, to tell him he was offended by some of Moser’s remarks during a debate. He said Moser was equally abrasive during the argument.

But, Nelson said, “I never threatened the man.”

Moser declined Friday to discuss what was said in the argument. He said he just reported what had happened and let House leaders decide what to do.

Rausch said he left a note on Nelson’s desk asking him to meet with him Thursday morning, but Nelson never showed up. He said he later asked Nelson again to meet with him, but Nelson told him to send a memo.

Nelson said he didn’t get the note left on his desk until after the meeting time, and Rausch is violating legislative rules by not allowing him to speak on the House floor.

Rausch said Nelson has the right to vote on the House floor, but recognition to speak and membership on committees are privileges that can be revoked. Nelson continues to serve on two committees, but that could change if his unacceptable behavior continues, Rausch said.

However, the speaker also said, “If he comes in and gives me a chance to express my disapproval of his actions and set the ground rules from here going forward, and if he follows the ground rules, it’ll be business as usual from here on out.”

Neb. Bills Seek Changes For Foster Care Watchdog

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Lawmakers need to dissolve a board that monitors Nebraska’s foster care services if they ever want to fix the state’s dysfunctional child welfare system, a state senator said Friday.

Omaha Sen. Bob Krist pitched a bill to a legislative panel that would abolish the Nebraska Foster Care Review Board.

The board was created as a watchdog for the department, to address concerns that too many children were being taken from homes and kept as state wards for too long. But critics say the board has conflicts of interest, because some members work for agencies that receive direct or indirect funding from the Department of Health and Human Services — the agency they’re supposed to monitor.

“My intent is to remove any glimmer of impropriety, of conflict of interest, of filtering of information,” Krist told the Legislature’s Health and Human Services Committee.

Members of the state’s 46 local foster care review boards would continue to serve, and the governor would appoint one member to each one.

The state’s foster care office, which the board oversees, would remain intact. But lawmakers would appoint the office’s executive director, who would report to the head of the Legislature’s Health and Human Services Committee.

Lawmakers complain that they have received filtered information from the 11-member board as they attempt to overhaul a child welfare system widely viewed as dysfunctional.

Last week, board members ousted 29-year director Carol Stitt during a meeting called to give her an annual performance appraisal.

Advocates for parents with children in the foster care system said

eliminating the state board was crucial to helping the effort succeed.

The board “has served an obstacle to turning around our state’s shameful rate of child removals,” which ranks behind only Wyoming and South Dakota, said Melanie Williams-Smotherman, executive director of the Family Advocacy Movement.

“No matter how good its intentions, we see the Foster Care Review Board as the inherent block to reforming the harmful foundations of our state’s child welfare system,” she said.

Marcia Anderson, a member of the Foster Care Review Board, said lawmakers should consider the possible costs and unintended consequences of dissolving the officially independent, neutral board.

“A change in the board composition would diminish the wealth of knowledge and experience available to the agency and to the state,” she said.

Nebraska Bill Would Extend Time For Sex Abuse Lawsuits

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Victims of childhood sexual abuse in Nebraska would have more time to sue their assailants, under legislation advanced by lawmakers on Friday.

Lawmakers gave first-round approval to a measure that would extend the window to file lawsuits to 12 years after the victim turns 21. Current state law gives victims four years to sue, once they hit their 21st birthday.

Omaha Sen. Pete Pirsch said his bill seeks to help victims who endured abuse but have not yet come to terms with what happened to them.

The bill would not apply to any cases that expired under the existing statute of limitations.

Lawmakers advanced the measure, 35-0. Two more votes

are required before it reaches the governor.

Pirsch, a former prosecutor, said victims often keep the abuse hidden until adulthood out of fear, shame, or the belief that the emotional scars will heal. In many cases, he said, the psychological damage can lead to eating disorders, overly sexual behavior, post-traumatic stress disorder and suicide.

Pirsch said the legislation does not affect criminal sex abuse cases, which have no statute of limitations.

The issue has surfaced in other states. Legislatures in California and Delaware have eliminated time limits for such claims and passed laws that would open a two-year window for victims to sue. In 2010, the Ohio Supreme Court extended the state’s new 12-year deadline to victims who were abused before the 2006 law went into effect.

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