

THE PRESS & DAKOTAN

THE DAKOTAS' OLDEST NEWSPAPER | FOUNDED 1861

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Published Daily

Monday-Saturday

Periodicals postage paid at Yankton, South Dakota, under the act of March 3, 1979.

Weekly Dakotian established June 6, 1861. Yankton Daily Press and Dakotian established April 26, 1875.

Postmaster: Send address changes to Yankton Daily Press & Dakotian, 319 Walnut, Yankton, SD 57078.

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The Yankton Daily Press & Dakotian is a member of the Associated Press, the Inland Daily Press Association and the South Dakota Newspaper Association. The Associated Press is entitled exclusively to use of all the local news printed in this newspaper.

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CARRIER DELIVERY
1-month \$12.09
3 months \$36.27
6 months \$72.53
1-year \$133.09

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3 months \$43.53
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OPINION | OUR VIEW

Do Personal Beliefs Trump The Law?

If South Dakota's law banning gay marriage is ever overturned, two bills currently in the state Legislature aim to make sure certain people and institutions can retain the right to ignore the new law.

That's basically what's behind legislation that would protect clergy and businesses from any lawsuits they may face for refusing to take part in or providing services for same-sex marriage ceremonies — if such ceremonies ever become legal here.

You could say the sponsors of these bills see the handwriting on the wall. They've introduced the legislation at a time when same-sex marriages are becoming legal in more states. As a result, some clergy and bakers, for instance, have been threatened with lawsuits for refusing to provide the same services to same-sex couples that they do to other couples.

Hence the quest for legal protection, even though the bills are mostly irrelevant at the present time since gay marriage is currently illegal in this state. However, they would also allow a business to refuse to host a reception for a gay couple married in another state.

Proponents say they are protecting clergy and businesses from any legal ramifications caused by not taking part in something with which they disagree on religious or moral grounds.

It also strengthens the separation of church and state, according to Rep. Steve Hickey, R-Sioux Falls, a House sponsor of the measure. "Religious rights need to continue to trump gay rights. ... If we want to talk about church and state, this is a bill that keeps the state out of my church."

In other words, to keep the state out of the church's business, that church wants the state to grant it legal immunity in order to ignore the state's law.

Also, if gay rights ever become state law — which is the situation Hickey is addressing — does that mean religious rights must trump state law?

This faux libertarianism comes across as a variation of the Jim Crow mentality that once reigned in more racially combustible areas before the Civil Rights Act of 1964 made such practices illegal. This South Dakota legislation is meant to offer protection for people who don't want to serve "their kind." It recalls days when store owners in the South could refuse to serve blacks because of their "moral distaste" of their color. Or when hotels and motels could refuse to allow blacks to stay in their lodgings. Or when water fountains were marked "for whites" and "for coloreds only."

Is that overreacting? Arguably, but such worries are grounded not in sensational exaggeration but in historical fact — these things did happen in our nation before and, unfortunately, a law was needed to stop them.

And now we want to use the law to sow that trouble again? If so, one must wonder what other laws might cause people to seek legal immunities in order to disobey them.

These defensive bills are misguided measures that inadvertently (we suspect) resurrect ghosts from uglier times when our differences trumped our similarities, and we all suffered the consequences. This is not a spirit that should be revived. What is being asked is not so simple or moral, and the price we all might pay would be prohibitive.

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SPEAK UP!

■ Share your thoughts with us. Write to the **PRESS & DAKOTAN** on a topic of the day or in response to an editorial or story. Write us at: Letters, 319 Walnut, Yankton, SD 57078, drop off at 319 Walnut in Yankton, fax to 665-1721 or email to views@yankton.net.

ON THIS DATE

By The Associated Press

Today is Wednesday, Jan. 29, the 29th day of 2014. There are 336 days left in the year.

Today's Highlight in History: On Jan. 29, 1964, Stanley Kubrick's nuclear war satire "Dr. Strangelove Or: How I Learned to Stop Worrying and Love the Bomb," starring Peter Sellers (in three roles) and George C. Scott, premiered in New York, Toronto and London.

On this date: In 1820, Britain's King George III died at Windsor Castle.

In 1843, the 25th president of the United States, William McKinley, was born in Niles, Ohio.

In 1845, Edgar Allan Poe's poem "The Raven" was first published in the New York Evening Mirror.

In 1861, Kansas became the 34th state of the Union.

In 1919, the ratification of the 18th Amendment to the Constitution, which launched Prohibition, was certified by Acting Secretary of State Frank L. Polk.

In 1929, The Seeing Eye, a New Jersey-based school which trains guide dogs to assist the blind, was incorporated by Dorothy Harrison Eustis and Morris Frank.

In 1936, the first inductees of baseball's Hall of Fame, including Ty Cobb and Babe Ruth, were named in Cooperstown, N.Y.

In 1958, actors Paul Newman and Joanne Woodward were married in Las Vegas.

In 1963, the first charter members of the Pro Football Hall of Fame were named in Canton, Ohio (they were enshrined when the Hall opened in Sept. 1963). Poet Robert Frost died in Boston at age 88.

In 1964, the Winter Olympic Games opened in Innsbruck, Austria. Actor Alan Ladd died in Palm Springs, Calif., at age 50.

In 1979, President Jimmy Carter formally welcomed Chinese Vice Premier Deng Xiaoping to the White House, following the establishment of diplomatic relations.

In 1998, a bomb rocked an abortion clinic in Birmingham, Ala., killing security guard Robert Sanderson and critically injuring nurse Emily Lyons. (The bomber, Eric Rudolph, was captured in May 2003 and is serving a life sentence.)

Ten years ago: An accidental explosion at a weapons cache near the Afghan village of Dehe Hendu killed eight U.S. soldiers. A suicide bomber struck a bus in Jerusalem, killing ten Israelis. In a prisoner exchange, Israel freed 400 Palestinians and about 30 other Arabs while Hezbollah released a kidnapped Israeli businessman and the bodies of three Israeli soldiers. British author M.M. Kaye died in Lavenham, England, at age 95.

FROM THE BIBLE

A man's ways are before the eyes of the LORD. Proverbs 5:21.
Portals of Prayer, Concordia Publishing House, St. Louis

PETE SEEGER



Capitol Report | Jean Hunhoff

Election Process Issues Heard In Committee

BY SEN. JEAN HUNHOFF

R-District 18 (Yankton)



J. Hunhoff

process and procedure that provides the victim with the option to be notified by DOC if any offender breaks, paroles, is placed on or removed from work release, or receives early final discharge from parole. All bills passed out of committee unanimously.

Health and Human Services heard an overview of efforts the Department of Health is doing to promote Healthy South Dakota. The components of the program are to prevent/reduce obesity, promote healthy eating, increase physical activity and the foundation for the prevention of chronic disease.

The DOH has been collecting data on citizen's health behavior through surveys from approximately 2005 to measure effectiveness of their programs on improving health status. Funding for their programs comes from Federal Grants. These grants are available for partnerships with other organizations to create healthy life styles at home, in the work place, communities, day care centers, schools and youth organizations.

Data shared included: prevalence of obesity among adults remains stable in South Dakota and surrounding states from 2011-2012. In S.D., prevalence is 28.1. The downside is that the projected rate by 2030 is 60.4 percent. The percent of S.D. K-12 Grade students who are obese 2004-2013 continues to remain at 16 percent, trend is starting to tick upward. Percent of high school students consuming five or more fruits and vegetable per day 2003-2013 was on a decline till 2013 when we saw an increase.

When questioned what changed, one answer was the change in what is in vending machines in schools for snacking. Adults are in single digits of percentage when three or more vegetables or fruits are added. Forty-six percent of adults are meeting physical activity guidelines. This is the lowest as compared to the surrounding six states. H.S. students are at 47 percent for activity of 60 minutes during five of the past seven days. Data suggests we have more opportunities to improve health both on the adult and H.S. student levels.

In summary, there is much going on in these areas. Communities and schools need to engage with the programming that is available to create healthy communities.

Bills taken up in Health Human Services Committee included:

- SB 30 which allows nurses that are licensed by the Board with advanced degrees to add APRN behind name. The bill removes certification from the Board of Nursing responsibility for Certified Registered Nurse Anesthetists. The board licenses CRNAs it does not certify. Finally, the bill changes a Board loan program to a scholarship program for nurses. This is a self-funded program that nurses support through their licensing fees. The bill passed committee and Senate.

- SB 14 revised certain provisions to the Board of Examiners and Counselors and Marriage and Family Therapists. Basically it addressed testing and licensing requirements. Again this was clean up language as the Board does not certify but licenses practitioners.

- Finally SB 44 creates a revolving loan fund for skilled nursing facilities in the Department of Social Services and makes and appropriation. This bill came to the committee for policy determination. This came about from the LTC study that was completed in 2008. Compliance with regulations involve expending dollars to provide required equipment and/improvements in life safety. Facilities are challenged in having the resources to meet the standards. This program, if approved, would provide a loan program to facilities to meet requirements that would most likely not include physical plant improvements or people resources. Rather, it might focus on fire and safety requirements for installation of prevention equipment and lifts of some type. The concern expressed by the committee is that there would be criteria established that could be supported by the loan and needs of the facility. This bill was passed but referred to Appropriations because of the dollar amount associated with the bill.

More bills will be dropped this week and next week as the final day for bill submission is Feb. 4. It is a privilege to serve District 18. Please contact me if there are questions or concerns: Sen.JeanHunhoff@state.sd.us or call 665-1463.

YOUR LETTERS

Good Knights

Sally Weiter, Yankton
Rosary Board

We would like to give a SHOUT OUT to the Knights of Columbus. They came to the aid and service of the Rosary Program by holding

a Benefit Breakfast at the KC Hall. Fathers and some mothers with their children served attendees with their known expertise. Chef Doom put out a nice hot plate of delicious food. They truly were Knights in the best understanding of the word. We are exceedingly grateful.