

LAW

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arrested if they use American or Nebraska flags in their protests. Bruning's office denies that.

Accompanying the lawsuit were affidavits from Phelps-Roper and other Westboro members, one of which detailed a videotaped exchange between the members and a Nebraska state trooper at a protest the church held at the Nebraska State Capitol in December.

Phelps said Lincoln police had told the group that city police would not arrest Westboro protesters for demonstrating using the American flag. But when church members began to gather flags, a trooper approached and warned them he was under orders from the attorney general to arrest anyone who stepped on a U.S. flag, the affidavit says.

Cookson countered that Phelps and other Westboro members are mistaken about the involvement of the attorney general.

"As we told the court, we advised the state patrol that the

law is on the books, but it ultimately is the decision of law enforcement — within their discretion — how to enforce the statute," Cookson said.

Because the lawsuit assumes Bruning's involvement and names him as the sole defendant, Cookson said, it is flawed and he plans to ask the court to dismiss it.

Phelps lauded Kopf's ruling as "a beautiful thing" and said she plans to seek a permanent injunction to keep the flag mutilation law from being enforced statewide.

Until the decision Tuesday, the church had seen little success in suppressing the state law. Last month, a federal judge in Omaha rejected a lawsuit by another church member — Shirley Phelps-Roper, the mother of Megan Phelps-Roper — who had sought to declare both the state's flag mutilation law and its funeral protest law unconstitutional.

Nebraska's funeral protest law prohibits picketing within 300 feet of a funeral or memorial service.

Cookson said people should understand that Tuesday's ruling does not affect the state's funeral protest law — and that the attorney general plans to vigorously defend it.

STAMPS

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ent Postal Regulatory Commission, which has 90 days to respond. If approved the new prices would take effect Jan. 2, Kearney said. Besides the first-class increase, postage costs would rise an average of 5 percent.

After going more than three years without an increase, the post office has raised stamp prices annually since 2006.

The latest increase is part of a

series of deficit-fighting plans, announced in March, that include reducing mail deliveries to five days a week, closing offices and making other cuts in expenses. Congress would have to agree to eliminating deliveries on Saturdays.

The weak economy has sharply reduced mail volume as companies cut their advertising. At the same time there has been a significant drop in lucrative first-class mail, with more and more people turning to the Internet to communicate with each other as well as to receive and pay bills.

OBITUARIES

Paul Hanson

SIoux FALLS — Paul W. Hanson, age 78, of Sioux Falls, South Dakota, died Monday, July 5, 2010 at Avera McKennan Hospital in Sioux Falls as a result of an accidental fall.

Funeral services are 10:30 a.m. Friday, July 9, 2010 at Trinity Lutheran Church in Yankton, South Dakota with Reverend David Lund officiating. Burial will be in the Vangen Cemetery in Mission Hill, South Dakota with military honors provided by the Ernest-Bowyer VFW Post No. 791.

Visitation is from 5:00 to 8:00 p.m. on Thursday, at the Wintz & Ray Funeral Home in Yankton with a prayer service at 7:00 p.m. Visitation resumes one hour prior to the funeral at the church.

Paul was born July 10, 1931 in Yankton, South Dakota to Albion and Rose (Machacek) Hanson. He grew up on his grandparents' farm north of Mission Hill and attended Bruget Country School. After his graduation from Yankton High School in 1949, he attended one year at Augustana College in Sioux Falls. He then enlisted in the US Army and was stationed at Ft. Richardson in Alaska during the Korean War.

After his discharge from active duty, Paul returned to Yankton and served in the Army National Guard Yankton Unit 196th Regimental Combat Team for over 20 years. He attained the rank of Master Sergeant and was called into service again during the Berlin Crisis. On September 19, 1953, Paul married JoAnn Kogel and together had five children. He worked for Northwestern Public Service for 36 years retiring in March of 1989. On December 22, 1984, Paul married Ruth Putnam.



Hanson

They settled in Sioux Falls in 1999. Paul was a member of the Coast Guard Auxiliary for 30 years. He was also a member of Trinity Lutheran Church, Yankton Lions Club and Yankton Elks Lodge for 45 years. He also served on the Yankton City Planning Commission. Paul enjoyed many activities including boating, camping, fishing, hunting and golfing. He loved visiting with his friends in his coffee groups. But most of all, Paul loved his family and friends and cherished the time spent with them.

Paul will be greatly missed by his wife, Ruth Hanson of Sioux Falls; five children: Jodi (Gordon) Slyter of Meridian, ID, Paul J. (Shirley) Hanson of Imperial, CA, Perry (Rena) Hanson of Sioux Falls, Sean (Debbie) Hanson of Shepherd, TX, and Quinn Hanson of Blacksburg, VA; 2 step daughters, Carol (Ed) Koester and Diane Dekkena, both of Sioux Falls; 14 grandchildren and one great grandson.

Paul was preceded in death by his parents and one sister, Coralie Olson.

To post an online sympathy message or to view the video tribute, please visit wintzrayfuneralhome.com.

Yankton Press & Dakotan
July 7, 2010



Online condolences at:
www.wintzrayfuneralhome.com

Ralph Christopherson

Ralph M. Christopherson, 92, of Yankton died Sunday (July 4, 2010) at Avera Sister James Care Center.

Graveside services are at 11 a.m. Friday at the Gayville Cemetery with the Rev. Paul M. Opsahl officiating. Military Graveside Rites will be by the Ernest-Bowyer VFW Post No. 791.

Visitations are 5-8 p.m. Thursday at Opsahl-Kostel Funeral Home & Crematory, Yankton.

LaVerne Malik

LOVELAND, Colo. — LaVerne L. Malik, 84, of Loveland, Colo., and formerly of Yankton, died Tuesday (July 6, 2010) at the Loveland Good Samaritan Center, Loveland.

Funeral services are pending under the care of Opsahl-Kostel Funeral Home & Crematory, Yankton.



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NELSON

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the facility. He's implemented many treatment and programmatic enhancements for patients with substance abuse and mental health issues."

Nelson declined to comment on the situation.

Democratic Rep. Bernie Hunhoff of Yankton said he didn't want to comment on any specific state official's salary, but he believes everyone should be treated equally during what has been a difficult two years of balancing the state budget.

"The sense of many lawmakers last session was quite the opposite of what is happening," he said. "Some of us thought that if any salary dollars were available, they should be directed at those workers on the lower end of the wage spectrum — those that are struggling to pay the mortgage and put food on the table."

He added, "This seems like another example of the bureaucracy being out of step with the Legislature and the taxpayers."

MAKING A RETENTION EFFORT

Nelson was appointed as interim director of the HSC in November 2001.

He was the former supervisor of the State Training School in Plankinton and had spent nine years in the South Dakota corrections system. However, at the time of his hiring at the HSC, Nelson was not qualified to be the administrator of the facility because state law required that the individual have five years of experience in a mental health institution. After arguments that the state law needed to be changed to allow a wider pool of applicants, the Legislature changed it in 2002. The new law said the administrator needed a college degree in administration and have administrative experience in a mental-health setting.

Nelson was subsequently hired as the permanent administrator in July 2002.

At Nelson's previous salary of \$92,000, Hofer said he was still making less than the HSC administrator who came before him. When Roger Steinkruger left the position in 2001, he was making \$93,000 annually.

Hofer stated he was not with the DHS in 2002 and could not say why Nelson's salary was set where it was at the time.

When Nelson began receiving offers from other entities for far more money, Hofer said he felt the need to be proactive. He submitted a proposal to the South Dakota Bureau of Personnel (BOP), which then gave approval for the raise.

"It was tough, because nobody else was getting a raise," Hofer said. "But it was something I thought we needed to do to make a retention effort."

Sandy Zinter, commissioner of the BOP, approved the request after looking at information such as what similar positions are making in the market.

She admits that Nelson's raise was unique. Other than giving raises for state employees whose positions have undergone a pay grade reclassification, or new workers who

are statutorily entitled to a raise after getting off a six-month probation, Zinter said she could not recall any other pay increases approved for this year.

"The odds of us being able to hire somebody at what we were paying him at his old salary, or probably even at his new salary, are probably slim to none," she said.

Zinter stated that she was sensitive to the fact that the Legislature had approved no salary increases for 2010.

"The fact that there are no raises, that is important," she stated. "In this case, we had to deal with the situation at the time. It probably didn't lend itself to waiting until such a time a year down the line or whenever we get pay raises. This was a situation where (Nelson) was made an offer, and we didn't have control over when he was made an offer."

LEGISLATORS OFFER MIXED OPINIONS

All three Yankton County legislators said the decision to give Nelson a \$10,000 raise during a year when no cost-of-living adjustment was approved for state employees was a surprise.

Republican Sen. Jean Hunhoff said that, during the Appropriations process, the DHS discussed various reductions and increases in programmatic areas.

"This certainly was not a mentioned potential," she said. "Apparently Human Services believed that retaining Cory was important enough to find the additional dollars in their budget."

She said the decision was an operational one in which the Legislature has no input, but she went on to question where the additional dollars were found within the department's budget to fund the pay raise.

"The answer will come in the January 2011 legislative session when the department will request its (fiscal year 2012) personnel services budget," Hunhoff said. "Retaining effective staff in management is vital for operations. The secretary has to make that decision keeping in mind how the Legislature will respond next year for any requested increase in dollars for human services."

"Fairness does not always equate to all being equal," she continued. "Doing the right thing for the right reason is reasoning for sound action."

Rep. Nick Moser, also a Republican, was less diplomatic.

"The intent of the Legislature was that no administrators would receive pay raises this fiscal year," he said. "Spending requests that are inconsistent with legislative intent should be denied by BOP."

Some of the state's top-level executives are probably underpaid, Rep. Hunhoff said.

"But so are many state employees who are earning much lower salaries," he continued. "I am concerned that awarding of raises and bonuses to some — especially to those at the top — while freezing the pay of everyone else could accentuate morale problems that already exist in state government. It's also the wrong message to the private sector, where we have many taxpayers who are without a job and others who are earning less than they were a few years ago."

Authorities Still Looking For Man Who Jumped Off Discovery Bridge

BY NATHAN JOHNSON

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Authorities still have no leads on who may have jumped off the Discovery Bridge Sunday afternoon.

Yankton County Sheriff Dave Hunhoff said the decision will be made by today (Wednesday) as to whether the search effort will continue. No reports have been received of missing persons and authorities have accounted for vehicles parked in the vicinity of the bridge.

"I'm sure a decision will be made... to cut off the searches or do very limited ones unless someone turns up missing," Hunhoff said.

A report was received at approximately 5:15 p.m. Sunday that a heavy-set white male wearing camouflage shorts and no shirt was seen running south from the South Dakota side of the bridge and jumped over the east barrier. He is further described as being 5-foot 10 and weighing 240 pounds.

In addition to the local sheriff's office, the Cedar County Sheriff's Office; the South Dakota Department of Game, Fish and

Parks; the Nebraska Game and Parks Commission; and Yankton Search and Rescue have been involved in the search.

Some suspicion has arisen that the man was involved in some kind of prank, Hunhoff admitted.

"At least one witness said the guy was kind of laughing and, in their opinion, had a happy look on his face," he said. "But that also could be the case with a mentally ill person, too. We have to at least initially treat it as a serious case. There's no indication otherwise."

Hunhoff said he hopes the individual is safe and there was no emergency situation. It cannot be ruled out that a boat was in the area that picked the man up.

"Frankly, if we identify somebody and prove it was a prank, I wouldn't doubt there would be monetary repercussions," he stated. "I don't like to see emergency responders spending their Fourth of July weekend (searching for someone who isn't there)."

If you have any information about the Sunday incident, Hunhoff is requesting that you contact his office at (605) 668-3567.

REGION DIGEST

District III To Receive \$23,000 Federal Grant

Planning and Development District III in Yankton will receive a \$23,000 federal grant from the United States Department of Agriculture Rural Development, according to a press release issued Tuesday by the office of Sen. Tim Johnson (D-S.D.).

The funding, from the Rural Business Enterprise Grant Program, will be used to assist small and emerging businesses in the area.

"It is important to encourage growth and development in rural communities," Johnson said. "I am pleased that Planning and Development District III will receive this funding to provide needed resources to local businesses and bring investments to the community."

Third Garden Tour To Be Held Saturday

The third annual Missouri Valley Master Gardener Garden Tour will be on Saturday, July 10, running from 9 a.m.-noon. The tour starts at the home of James and Marilyn Nyberg at 400 East Sixth Street in Yankton, where tickets may be purchased.

You will receive a list and a map of the other gardens. A light lunch will be served at the last stop.

Money raised will be put toward future projects of the group.

Humane Society To Hold Meet & Greet

Heartland Humane Society (HHS) invites the community to the July Meet & Greet at 10 a.m.-noon Saturday, July 10, at the shelter office, 601 1/2 Burleigh.

Animals will be available for adoption and the dogs and all of the puppies from foster care will be available to meet as well.

"Heartland Humane Society has several cats and kittens available at the shelter," said Tasha Anderson, executive director at HHS. "This is a great time to meet all of the dogs, too, since they will all be here!"

For more information, contact Anderson at 605-664-4244 or e-mail hhs@midconetwork.com for more information.

■ Get Updates At Yankton Online (www.yankton.net)

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Jim Wintz
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