

# Some 2013 South Dakota Laws Well-Rooted After First Year

BY NORA HERTEL  
Associated Press

PIERRE — South Dakota's 2013 laws mark their one year anniversary Tuesday, and some, like the Public Safety Improvement Act, already are making an impact. Others, such as the policy to train and arm school staff, have stalled. Here's a look at the status of some year-old laws.

## PUBLIC SAFETY IMPROVEMENT ACT

Officials from all branches of government and both parties came together behind a sweeping 2013 policy that aims to reduce the state's prison population and save money. In 2012, several state officials — including those from the state Supreme Court, governor's office, Legislature and Corrections Department — reviewed South Dakota's criminal justice system and identified problems and ways to address them.

State Supreme Court Chief Justice David Gilbertson said he's pleased with the progress a year in. He's been monitoring the expansion of the state's special courts.

"We are moving forward, trying to grow existing programs and set up new ones," Gilbertson said.

Drug and DUI courts allow people with nonviolent drug offenses to opt for treatment and supervision rather than

time in prison. Gilbertson said the program has also kept children with their parents, who might have otherwise been turned over to state social services at a cost of \$10,000 a year.

The state's first veterans court will open next Monday in Watertown, to treat veterans whose addictions or psychiatric problems have led to criminal behavior.

Another aspect of the act that launched this year allows cooperative parolees to reduce their time on parole, with every day of good behavior resulting in a day off the parole term. And the state is embarking on a pilot program with Sisseton-Wahpeton Oyate Tribal officials to allow tribal members to return home while on parole.

## BUILDING SOUTH DAKOTA

Another extensive bipartisan initiative took hold last year with the establishment of Building South Dakota, which supplies funding through a variety of channels to support economic development in the state.

Around half of the more than \$7 million in grants and loans disbursed through the initiative have gone through the state's Housing Development Authority to help people of low and moderate income find housing and cover other needs, such as homelessness prevention, down payment assis-

tance and rehabilitation of old properties in the state. Other funds have gone toward local infrastructure and economic development organizations.

State Democrats and Republicans differ on how they would like to see the initiative funded in the future. A \$30 million windfall from unclaimed property dollars will support the program for three years. This session Republicans developed and passed into law a funding formula for Building South Dakota that prioritizes the state's rainy day fund, which Democrats hope to overhaul in the coming years.

## SCHOOL SENTINELS

A divisive 2013 policy would arm willing school staff, but none of the public or private schools in the state has yet taken advantage of the opportunity.

In order to establish a school sentinel program, a local school board must authorize it. If the public raises opposition, the issue then goes to a local vote. Once approved, the district develops a plan that must be accepted by local law enforcement leaders.

State officials are ready to train school staff if the program is ever approved. But some school officials have said there's no need for the program which is still viewed as contentious.

# SD Fireworks Sellers Might Have Set Record

BY BOB MERCER  
State Capitol Bureau

PIERRE — Licensed sales of fireworks surpassed \$10 million last year in South Dakota, according to the state Department of Revenue.

The total of \$10,268,402 might be the highest yet.

"It seems to be for at least as far back as we readily have the numbers but I cannot say it was a record in 2013," Revenue official Douglas Schinkel said.

By contrast, 2012 sales reached only \$7,676,887. That was a decrease from previous years.

Sales in 2011 were \$9,386,872. In 2010 they were \$8,561,727 while in 2009 they were \$8,282,844.

Top counties last year tended to be clustered in the Interstate 29 corridor.

The leader was Lincoln at \$1,580,136, followed by Union at \$1,321,571; Minnehaha with \$1,156,405; and Codington at \$657,531.

Only one western county cracked the top 10. That was Pennington at No. 5 with \$539,713.

Next came Moody at \$482,883; Yankton \$479,650; Brown \$393,708; Brookings \$313,953; and Grant \$266,068.

The past few years have

seen Lincoln grow to No. 1 in sales while Meade dropped.

There are local oddities as well. Differences in city and county ordinances meant sales in Hughes came to a mere \$28,138 last year while across the river in less-populated Stanley sales hit \$176,972.

Other counties that reached six figures in sales last year included (in alphabetical order) Beadle \$131,830; Brule \$201,280; Butte \$150,752; Davison \$148,587; Deuel \$220,996; Lake \$120,600; Meade \$219,261; and Roberts \$185,749.

Sales taxes on fireworks

purchases generated \$410,736 in 2013.

State law limits retail sales of fireworks to South Dakota residents from June 27 through July 5, and from Dec. 28 through Jan. 1.

People can discharge fireworks in South Dakota June 27 through the first Sunday after July 4 — this year it's Sunday, July 6 — and during the Dec. 28 through Jan. 1 period.

Sales to non-residents run longer and require special licenses. One is valid May 1 through July 5. Another runs July 6 through Aug. 31 and also covers Dec. 28 through Jan. 1.

# Worry

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state highway bridges have some deficiency.

Many of those who spoke before the committee Tuesday were county commissioners or highway superintendents. Business and other special interests also shared thoughts and concerns.

They had common stories of struggling to maintain their current roads and bridges without any new funding mechanisms.

"On the road system, we are just trying to maintain what we have," said Union County Public Works Administrator Raymond Roggow. "We know there aren't dollars available to upgrade. To this point, we haven't had to tear anything up and turn it back to gravel."

"The bridge system is another story," he continued. "As we see that 28 percent (of structurally deficient bridges) increasing as years go on, we just cannot come up with funding mechanisms to make it work. I think that's where we're going to see some roads being closed. You're going to see terror in the eyes of some of those constituents out there when they have to start hauling product way around to get it where it needs to be."

McCook County Highway Superintendent Michael Kreutzfeldt said 30 miles of paved road are currently scheduled to be downgraded to gravel in his jurisdiction. Three miles have already been completed.

"We had 77 bridges," Kreutzfeldt said. "We've eliminated 10 percent of our bridges in probably the last 10 years. It's getting to the point where you can't really eliminate anymore."

Representatives of the counties often spoke of having property tax opt-outs and wheel taxes to support road costs — but those sources cannot keep pace with the needs.

Various potential funding solutions were suggested during the meeting, including a county sales tax, toll roads, pre-engineered bridge plans to save on costs, increasing the state fuel tax, increasing the federal fuel tax, a bushel tax, increasing license fees or increasing the maximum wheel tax.

"The problem for us, we know how to build bridges and roads. But it's the funding issue," said John Claggett of the Davison County Commission. "The producers we've met with in Davison County and our area

say, 'Tax every wheel. Whatever you've got to do.' The reason I'm saying that is, we need to be futuring where we are going to be in 10 or 20 years. We've got to break the stalemate we've had over the years on the funding mechanisms."

Committee member Rep. David Anderson (R-Hudson) said he was impressed with the number of people who attended the hearing.

"It indicates the level of concern people have for the roads and bridges in this state," he said. "There have been good ideas presented. I would encourage you to continue to talk about it, whether it's at coffee shops or after church. What is going to be critical is getting the general public to agree there is a problem. It can't be that somebody says, 'I only drive three or four miles, and this is my regular routine.' That is too small-sighted."

"I think it's going to take a real process of education and conversation with the general public to successfully increase revenues to do what we need to do, whatever the source of the revenue may be."

Sen. Jean Hunhoff (R-Yankton), the third and final committee member present during the hearing, encouraged the public to share any ideas they may have in the future.

"We're partners in this, but partners have to look at where they can come together in the middle so that we can support each other," she stated.

In the legislative process, you don't get everything you want, added Vehle.

"We all know that," he said. "But support your legislators when we do come up with something. I don't care what party they are from. This is non-partisan. We need to attack this from what our needs are. We're doing a good job with the money we've got. We just can't get to where we need to be."

You can follow Nathan Johnson on Twitter at [twitter.com/AnInlandVoyage](http://twitter.com/AnInlandVoyage). Discuss this story at [www.yankton.net/](http://www.yankton.net/).

# SD Dems Have No Candidates For 3 Races

BY DAVID MONTGOMERY  
Argus Leader

SIoux FALLS — South Dakota Democrats have conceded three statewide races to Republicans this fall, a once-rare phenomenon becoming increasingly common.

At the party's convention this past weekend in Yankton, Democrats nominated no candidates for attorney general, state auditor or public lands commissioner. That means Republican nominees Marty Jackley, Steve Barnett and Ryan Brunner win by default.

Jackley and Barnett are incumbents. Brunner is a first-time candidate running for an open seat — the first time a non-incumbent candidate will go unopposed for a partisan office in South Dakota's 125-year history.

"It's not a big mystery that the Democratic Party in South Dakota is weaker than it's been in some time," said Ken Blanchard, a political science professor at Northern State University in Aberdeen. "It's the inability to attract candidates that's really hurting them all across the board."

Until this year, statewide candidates had won unopposed only seven times in South Dakota history — and all but one of those were in the past two decades, according to the *Argus Leader* (<http://argusne.ws/1qNBpev>). All cases involve Republicans winning by default when Democrats didn't run.

Democrats conceded a PUC race in 1946, attorney general and state auditor in 1998, auditor, treasurer and secretary of state in 2006, and U.S. Senate in 2010.

This year, Democrats were recruiting for several months before their party convention. Former statewide candidates, including Julie Bartling and Jeff Barth, were approached to run and declined.

## Judge Denies Bail For Omaha Man

OMAHA, Neb. (AP) — A judge has denied bail for an Omaha man accused of fatally shooting another man.

Bailed was denied Tuesday for 26-year-old Corleone M. McCurry. He faces a first-degree murder charge in the June 25 death of 41-year-old Timothy Marzettie. He also faces a charge of use of a firearm to commit a felony.

McCurry's girlfriend, 22-year-old Brittani Brown, also faces a charge of being an accessory in the case. Her bail was set at \$75,000.

The couple was arrested Sunday. Court records do not list attorneys for them.

## Teen's Fall From 6th Floor Not Foul Play

LINCOLN, Neb. (AP) — Lincoln police say investigators have spoken with a Texas teenager who was critically injured when she fell from a six-floor hotel window and don't believe her fall was due to foul play.

The *Lincoln Journal Star* reports 18-year-old Brittany Turner, of Houston, was able to speak Monday with investigators. Police say the window Turner fell from was broken, but Capt. David Beggs wouldn't release other details.

Turner was in Lincoln with other Houston high school students for the International Thespian Festival.

After falling from the window at the Embassy Suites in downtown Lincoln, she landed on a second-floor balcony.

Her mother, Lynn Hamilton, rushed to Lincoln to be with her daughter. She says Turner is an accomplished actor and plans to attend Howard University in Washington this fall.

## SD Woman Sentenced To 130 Years

PIERRE (AP) — A 23-year-old Gann Valley woman has been sentenced to 130 years in prison for beating to death a 4-year-old boy because he wet his pants.

Donika Gonzales has been ordered to serve 130 years for first-degree manslaughter and 15 years for aggravated assault. The sentences will run concurrently. Attorney General Marty Jackley and Brule County States Attorney David Natvig announced the sentencing Tuesday afternoon.

The charges stem from an abuse incident on Feb. 21, 2013, that resulted in the boy's death. The boy was not Gonzales' son.

This case was investigated by the Buffalo County Sheriff's Office and the Division of Criminal Investigation and prosecuted by the Attorney General's Office and the Brule County States Attorney.

Gann Valley is about an hour west of Mitchell.

## Neb. Woman Gets Probation For Fraud

OMAHA, Neb. (AP) — An Omaha woman has been sentenced to five years of probation and ordered to pay more than \$141,000 in restitution for her participation in a fraudulent housing scheme involving an official of an AIDS support group, prosecutors said Tuesday.

Tamika Payne, 35, also was ordered to wear an electronic monitoring device for six months, U.S. Attorney Deborah R. Gilg said in a statement.

Gilg's office said Payne helped her friend and co-conspirator Jason Armstrong prepare fraudulent applications for federal housing assistance funding. Armstrong was a case manager for the Nebraska AIDS Project, a group that provides services to people living with HIV and AIDS.

Some of the applications used names of people who were not clients of the group, Gilg's office said. Some of the group's clients' names were used without their knowledge for the fraudulent housing aid applications.

Payne's role was to sign false landlord certifications that they were renting to AIDS Project clients, Gilg's office said. She also cashed the government checks and split the money with Armstrong.

Payne and Armstrong were convicted of conspiracy to commit mail fraud. In March, Armstrong was sentenced to two years in prison and also ordered to pay restitution of more than \$141,000.

Jan Sharp, a spokesman for Gilg's office, said Payne and Armstrong are individually and collectively responsible for paying back the money, but when the total is repaid, the obligation ends. The government doesn't care how much each of them pays, Sharp said, and won't keep any money beyond the more than \$141,000 ordered for restitution.

## SF Humane Society: Stop Bringing Cats

SIoux FALLS (AP) — The Sioux Falls Humane Society is asking the public to stop bringing in cats because it already has more than 200 in its shelter.

The Humane Society tells KELO-TV it has limited space for more felines because of ongoing construction and the already high number of furry residents.

The shelter says it's been turning away new cats from coming in.

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