

Nebraska

# Lawmakers Wrap Up Surprising Session

BY GRANT SCHULTE  
Associated Press

LINCOLN, Neb. — What's up with Nebraska? The state is among the nation's most conservative, with Republicans controlling all of state government. But by the time the legislative session had ended last week, lawmakers had repealed the death penalty, legalized licenses for certain immigrants brought to the country illegally as children, raised the state fuel tax and come close to approving a medical marijuana bill.

The liberal-leaning list of accomplishments has left some shaking their heads, but others say it's not unprecedented in a state with a strong populist streak and an unusual legislative system that gives power to individual lawmakers at the expense of political parties.

The Legislature — which has only one house — is comprised of 35 Republicans, 13 Democrats and one independent, but, unlike other states, the party in the majority doesn't control the session. The speaker sets the agenda and designates certain bills as priorities but doesn't decide whether a bill makes it to the floor, and parties can't exert discipline over how senators vote. The setup forces lawmakers to build coalitions based on shared beliefs, regional interests or agreements to support one another's bills.

Further, senators say the Legislature's size separates it from conservative powerhouses like Texas. With 49 members, Nebraska's Legislature is the nation's smallest. Senators form friendships that transcend party lines, in an atmosphere that one lawmaker likens to a coffee shop. "There are a lot of places like that out in rural Nebraska," said Sen. Laura Ebke,

**"This Legislature is so unpredictable, you never know where some senators will be. ... There are people in here that I have no idea where they're going to be (on an issue). You're always guessing."**

SEN. BILL KINTNER

a Republican elected last year. "The same crowd comes in every day, they complain about the same things, they argue about the same things and then they're friends."

Speaker of the Legislature Galen Hadley pointed to the death penalty vote: After a divisive and emotional debate on the floor, senators on both sides of the issue went out for a beer.

"We act at times more like judges than a Legislature," said Hadley, a Republican. "Every new bill is like a new case, and just as every judge can hear the evidence and make their own decision, every senator can hear a bill and decide whether they're going to support it or not."

Many lawmakers put a high priority on protecting the rare one-house structure, which was approved during the Great Depression voters sought a system that would be more efficient.

Ebke said the nonpartisan rules feed the notion that senators need to research issues themselves and vote their conscience.

The session frustrated many reliably conservative lawmakers, who failed to pass large tax cut packages, gun-friendly laws, and new restrictions on abortions

— the kind of measures that pass easily in other Republican-dominated legislatures.

"This Legislature is so unpredictable, you never know where some senators will be," said Sen. Bill Kintner, an outspoken conservative Republican. "There's not a cohesive philosophy of governing that I can see. There are people in here that I have no idea where they're going to be (on an issue). You're always guessing."

Especially vexed was the state's new governor, Pete Ricketts, who came into office with a promise to work closely with lawmakers but then complained loudly as his fellow Republicans overrode his veto of the death penalty, fuel tax increase and immigrant license bills.

He said last week that lawmakers had fallen out of touch with most Nebraskans.

Conservatives did score several victories this year, including additional money for property tax relief and a budget with lower-than-average annual spending growth. The Legislature rejected a third attempt to expand Medicaid coverage, and defeated an effort to eliminate parts of the state's "three strikes" law for repeat offenders.

Some lawmakers also dispute the idea that the death penalty repeal or other measures were necessarily liberal-backed issues. Some Republicans complained that the death penalty was a waste of tax money because of the high legal costs, and argued the state hadn't executed anyone since 1997. Others noted that the move to allow driver's licenses for youths brought to the country illegally was endorsed by typically conservative agriculture and business groups. Nebraska was the last state to allow the licenses.

"Some of this is just common sense," said Sen. Paul Schumacher, a Republican.

## State Board Of Elections Plans Hearing On Rule Changes

BY BOB MERCER  
State Capitol Bureau

PIERRE — The state Board of Elections meets Thursday to discuss procedures regarding Help America Vote Act federal grants and to consider rule changes for South Dakota local elections.

But one big set of matters won't be part of the public hearing: The potential changes in South Dakota's requirements for when and how candidates qualify for the ballot.

Those changes made by the Legislature's Republicans during the 2015 session are facing a petition drive right now.

If sufficient valid signatures are collected from registered South Dakota voters — 13,871 at a minimum — and submitted by 5 p.m. CT on June 29, the legislation known as SB 69 won't take effect July 1.

Instead SB 69 will be suspended until a statewide referendum in the November 2016 general election decides its fate.

Secretary of State Shantel Krebs said last week that all of the proposed rule changes up for public hearing Thursday result from suggestions by local election officials or her staff.

None deal with SB 69. "There are no changes that would have to be made to administrative rule even if SB 69 was not referred," Krebs said.

The Board of Elections last met Jan. 5. The board's legislative proposals reflected many changes that Krebs and her staff saw

as productive. But those in SB 69 eventually came to be modified by the Legislature's Republicans.

Some of the Republican amendments made candidacies by independents more difficult.

Other Republican amendments attempt to deter a practice most frequently used by Democrats in recent years.

That is, fielding candidates who serve as placeholders in primary elections, especially for legislative seats, then letting them withdraw later, sometimes with and sometimes without replacements.

The changes in SB 69 would allow withdrawn candidates to be replaced only under special circumstances such as election or appointment to another office, illness by the candidate or a family member, or moving out of the area to be represented.

The state board's meeting will be at the South Dakota Association of County Officials building in Pierre at 211 E. Prospect Ave.

In addition to the secretary of state, the board has six members. Two recently received additional terms.

House Speaker Dean Wink, R-Howes, reappointed Deuel County Auditor Pam Lynde of Clear Lake. Senate Democratic leader Billie Sutton of Burke reappointed Linda Lea Viken of Rapid City.

Viken, a lawyer, said last week she will be at trial on the day of the meeting and can't attend.

## Lawyer Fined \$15K In Long Lawsuit

OMAHA, Neb. (AP) — A Nebraska judge has ordered a lawyer to pay \$15,000 for filing frivolous motions in a long-running lawsuit dispute over a defunct insurance company's assets.

The case that dates back to 1998 is far from over because that lawyer, Bill Gast, is appealing the latest ruling against his David Fulkerson's estate and his former firm, Countrywide Insurance Agency.

The dispute may soon visit the Nebraska Supreme Court for a fifth time if the latest appeals are heard.

Douglas County District Judge Peter Bataillon fined Gast Friday after deciding that several of his motions were frivolous, particularly a motion last fall that asked the judge to remove himself from the case.

"Mr. Gast filed a motion for this court to recuse itself because of some relationship/friendship this court had with plaintiff's counsel in the late 1970s and/or early 1980s," Bataillon wrote.

## Pool

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the legislative session.

That purpose became earmarking the \$1 million left in the risk pool for the Legislature's use on "legislative priority pilot programs" — in other words, whatever the Legislature's leadership might decide at some later date.

Peters acknowledged at the March 9 committee hearing that the governor's office opposed the diversion of the \$1 million to legislative control.

No one testified against Peters' final version.

"I believe this gives the state options for some exciting, potentially exciting, events down the road," Rep. Fred Romkema, R-Spearfish, said.

Those events weren't

identified during the House committee hearing. When the new version of SB 99 came to the House floor on March 10, the purpose became only slightly more detailed.

Cronin said the \$1 million might be used for software updates or some other purpose.

"If we're taking stuff out of the risk pool, we wanted to set it aside for some of our priorities," Cronin said.

He said the federal government might strip South Dakota of the authority to collect sales tax for Internet services. "It's a hit of about \$9 million," he said.

House members voted 62-5

for the Peters-Cronin measure. The next day, the Senate agreed 33-0 on March 11.

Meanwhile, the House had proceeded on March 10 to approve the transfer of \$1,420,000 from the risk pool to state government's general fund as part of the 2015 appropriations amendments in SB 55.

But the Senate on March 11 declined to approve the House version of SB 55. A conference committee of negotiators settled on six more amendments and both chambers approved that final version on March 13.

By taking the \$2,420,000 from the risk pool before

June 30, the governor and the Legislature made sure that the money wouldn't find its way into state government's reserves as surplus.

While the \$1,420,000 that went to the general fund is being used for daily operations, the Legislature's \$1 million will transfer on June 29 and then be carried forward for spending on some future purpose.

## Honoring Their Memory

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## Wilder Memoir To See Another Printing

ST. LOUIS — The autobiography of prairie author Laura Ingalls Wilder, a blockbuster for the South Dakota State Historical Society Press, is expected to jump to about 145,000 copies in print by mid-summer.

The press' director, Nancy Tystad Koupal, said the small state-owned publishing house is ordering two more print runs of the book totaling about 20,000 additional copies. "Pioneer Girl: The Annotated Autobiography," edited by Pamela Smith Hill, was released in November by the publishing house. The memoir, written for an adult audience, has been a best-seller.

Tystad Koupal was in New York on Friday promoting the autobiography and other offerings from the press at a publishing industry event.

"Lots of interest in Pioneer Girl, as always, so that's good," she said. "We're just trying to find a broader audience for the history and culture of South Dakota."

Wilder wrote her autobiography in the early 1930s. By then, she had been settled on her Missouri farm for decades, but her early life took the Ingalls family on a journey that includes what today are Wisconsin, Minnesota, Iowa, Kansas and South Dakota. The book was written for an adult audience and gives a more realistic, grittier view of frontier living than Wilder's popular children's series of "Little House on the Prairie" books.

The initial print run of the book was 15,000 copies, and it's on its fifth printing. Tystad Koupal said the memoir's success allows the "small little press on the prairie" to finance other projects. The additional 20,000 copies are meant to help keep the book stocked in stores when the holiday shopping season begins, she said.

Kathy Borkowski, director of the Wisconsin Historical Society Press, said the number of copies in print is "really unusual." She said a typical print run for her press is roughly 5,000 copies.

"I can guarantee you that every other Midwestern historical society press is green with envy," Borkowski said of the autobiography. "It's a wonderful success."

## Police Investigate Weekend Death

OMAHA, Neb. (AP) — Omaha police are investigating the death of a 50-year-old man after his body was found over the weekend.

Police said Charles Keathley's body was found Saturday evening in a central Omaha home.

Few details about the death were released immediately, but police said the circumstances were suspicious.

Investigators are treating the case as a homicide. Anyone with information about the death is encouraged to contact police.

## School Chief Got Coin From Obama

WATERTOWN (AP) — The president of a South Dakota technical school was stealthily handed a special medallion by President Barack Obama during a visit to the state earlier this month.

Lake Area Technical Institute President Mark Cartney received a "challenge coin" from Obama while shaking his hand, the Watertown Public Opinion reported. Cartney quickly put the coin in his pants pocket and didn't sneak a peek at it until later.

"I saw it in his hand when he started to shake mine," Cartney said. "I was stunned. I really don't remember much of what happened after that."

One person who witnessed the coin exchange was school vice president Diane Stiles.

"I saw that (Obama) had given something to Mike, but I didn't find out what it was until later," she said. "He said he was proud of Mike's military service, and that he was still serving the country through education."

The coins are well-known inside the military and are typically given by commanders, according to the newspaper. Cartney is a retired Air Force colonel and has collected many challenge coins, but the one from Obama basically means he "will never have to buy a drink at a military bar" again.

His most prized challenge coin previously had been one given by Gen. John Shalikashvili, who served as chairman of the Joint Chiefs of Staff and supreme allied commander from 1993 to 1997.

Cartney, a Watertown High School graduate, entered the U.S. Air Force Academy in Colorado Springs in 1977 and has been decorated for his duty in several operations, including Operation Iraqi Freedom.

During the country's response to the 9/11 attacks, Cartney directed the activities of nearly 1,000 people worldwide and the operational management of billions of dollars in equipment.

Cartney, as operational director, oversaw all Department of Defense satellite and terrestrial communications worldwide. He later represented the interests of the U.S. Air Force Academy superintendent to the White House, Congress, the defense secretary and others.

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## OBITUARIES

### Erma Dykstra

Erma Dykstra, 85, of Avon died Friday, May 29, 2015 at the Sister James Care Center at Majestic Bluffs in Yankton.

Funeral services are 10 a.m. Tuesday, June 2, at the First Baptist Church in Avon. Burial is in the Trinity Presbyterian Cemetery, rural Avon.

Visitation will be today (Monday) with the family present from 5-7 p.m. at the First Baptist Church in Avon.

Crosby-Jaeger Funeral Chapel in Avon is in charge of arrangements.