

Transgender Athletes Policy Criticized By GOP Debated

BY JAMES NORD
Associated Press

PIERRE (AP) — Proposed changes to an association policy for transgender high school athletes would not limit them to the same team as the sex identified on their birth certificates, raising the possibility of a second legislative session of conflict over a rule that many Republican lawmakers want to jettison.

The South Dakota High School Activities Association is set to discuss the proposed changes at a board of directors meeting on Wednesday. The new policy contains many of the same provisions as the old rules, which were adopted last June, but offers some changes in response to legislative concerns. Some Republican lawmakers doggedly pushed legislation during the 2015 session to void the policy, but the proposals ultimately languished in the Senate after overwhelmingly passing through the House of Representatives.

The association's policy aims to provide a way for transgender students to participate on the sports teams that

reflect their gender identities rather than the sex listed on their birth certificates.

The policy directs schools to help transgender students apply to the Activities Association with the correct documentation. An independent hearing officer, rather than the committee prescribed under the existing policy, would then make a recommendation to the Activities Association Board of Directors, which would have the final say over the student's request.

An Activities Association survey of schools that will be reviewed at the Wednesday meeting reports that more than 60 percent of schools surveyed want a statewide association policy on the subject.

"We're going to continue to try to meet the needs of our schools and at the same time answer the concerns from our Legislature," said Wayne Carney, executive director of the Activities Association.

The new policy could be adopted in August, though it will likely still face considerable opposition.

Rep. Jim Bolin, a Republican from

Canton, sponsored a proposal in 2015 to void the policy. Bolin said his concern is only regarding minors.

He said he hadn't had a chance to review the association's proposed changes, but it didn't appear likely that he would support any policy that would allow minors to play on a team different from the sex on their birth certificates, which he stressed is an official state document.

Bolin said that "someone who cannot vote and who cannot drop out of school, that decision has been removed from you, and who cannot wear a t-shirt to school that says, for instance, 'Budweiser, breakfast of champions,' ... that individual minor cannot make that claim."

Bolin said he anticipates certain lawmakers will pursue similar legislation to block the policy during the 2016 legislative session. The Athletics Association survey reported that 51 percent of schools surveyed did not want a legislatively adopted policy on transgender student participation in sports.

Court Tosses Climate Change Plan

BY SAM HANANEL
Associated Press

WASHINGTON — A federal appeals court on Tuesday threw out a pair of high-profile lawsuits challenging the Obama administration's sweeping plan to address climate change, saying it's too early to challenge a proposed rule that isn't yet final.

The ruling from the U.S. Court of Appeals for the District of Columbia Circuit is a temporary setback to opponents of the plan who are expected to renew their legal attack once the regulation is finalized later this year.

The lawsuits from a coalition of 15 states and the nation's largest privately-held coal mining company claim the EPA exceeded its authority last year when it proposed the far-reaching plan to curb pollution from the nation's existing coal-fired power plants.

Opponents had argued that even though the rule is not yet final, they are already facing steep costs to get ready for it. But the appeals court said that has never before been a justification for a court to examine a proposed rule that could still be changed before it becomes a final regulation.

"They want us to do something that they candidly acknowledge we have never done before," wrote Judge Brett Kavanaugh. "We do not have authority to review proposed agency rules."

The court also said public statements by EPA officials about what the rule will do are not considered final agency action.

The rule the EPA proposed last year is a centerpiece of Obama's efforts to reduce pollution linked to global warming and one of his most significant acts during his final years in office. It would require states to cut carbon emissions by 30 percent by 2030. Each state has a customized target and is responsible for drawing up an effective plan to meet its goal.

One lawsuit was filed by a coalition of 15 coal-reliant states. The second was from Ohio-based Murray Energy Corp., the nation's largest privately-held coal mining company.

EPA spokeswoman Liz Purchia said agency officials are pleased with the court's ruling and expect to issue a final rule by "mid-summer." The agency had initially said the rule would be finalized by June 1, but that was pushed back earlier this year.

Opponents say the plan will force coal companies to shut down plants, shed thousands of jobs and drive up electricity prices. They argue that the plan is illegal because the EPA already regulates other power plant pollutants under a different section of the Clean Air Act. They say the law prohibits "double regulation."

The EPA, however, says it has

authority for the plan under the Clean Air Act. At issue are dueling provisions added by the House and Senate to the Clean Air Act in 1990. The EPA says it wins under the Senate language, but opponents argue that the House version should prevail.

The advocacy group Environmental Defense Fund called the decision "a big win in protecting our communities and families against the massive carbon pollution from power plants and an important victory for a fair and democratic rulemaking process."

West Virginia Attorney General Patrick Morrisey said he was disappointed with the ruling but "we still think we have a compelling case that the rule is unlawful." He said the state would continue with litigation to stop "this unlawful power grab by Washington bureaucrats."

A statement from Murray Energy said the company would "fully litigate the rule" once it is made final.

The states challenging the EPA plan are Alabama, Alaska, Arkansas, Indiana, Kansas, Kentucky, Louisiana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, West Virginia, Wyoming and Wisconsin.

On the other side, 13 states and the District of Columbia are backing the Obama administration plan.

Woman Accused Of Leaving Kids To Die Pleads Guilty

BY BLAKE NICHOLSON
Associated Press

BISMARCK, N.D. — A South Dakota woman accused of leaving her two young daughters to die in an unheated car during a frigid winter day on a North Dakota American Indian reservation pleaded guilty to child abuse and neglect charges Tuesday, saying she was under the influence of drugs when she abandoned her children.

Michelle Wounded Face, 25, a member of the Rosebud Sioux Tribe in South Dakota who has been living on the Fort Berthold Reservation in North Dakota, could get up to 10 years in prison at her Sept. 2 sentencing hearing but also could be sentenced under federal guidelines to time served, about six months. The decision rests with U.S. District Judge Daniel Hovland, who said he would like to see Wounded Face get help rather than a lengthy prison term. She currently is taking antidepressants and anti-anxiety drugs.

"You seem to be a pleasant, honest, straightforward lady," Hovland said. "It's nice to see you with a clear mind."

Wounded Face chose to enter into the plea deal rather than take the case to trial, Federal Public Defender Neil Fulton told The Associated Press in an interview. He declined to give specifics, citing attorney-client privilege.

"She decided that was in her best interest," he said.

Wounded Face is accused of abandoning her 2- and 4-year-old daughters in a car in a rural area for more than three hours on Jan. 3, in bitter cold. They survived, despite not being adequately clothed. One was wearing only jeans and a tank top and the other only jeans, according to authorities. Neither had a coat, shoes or socks.

"The temperature was somewhere between (mi-

nus) 5 and 7 degrees, with a wind chill warning in effect," the plea deal states.

Wounded Face told an FBI agent that she had left the children in the car to die, and authorities said she exhibited odd behavior, including drinking toilet water in jail and claiming to be the daughter of gods. She had planned to rely on an insanity defense but Hovland in mid-May ruled she was competent to stand trial, after she underwent a mental health examination at a Federal Bureau of Prisons medical center in Texas.

Wounded Face said in court that she abused an over-the-counter cold medicine that can create hal-

lucinations and also smoked marijuana throughout December after the death of a close aunt in South Dakota. She said she does not remember leaving her children, who are now living with their father in Minot. Wounded Face said she and the father are in the process of divorcing.

Authorities do not believe that Wounded Face's strange behavior after her arrest was a ploy to avoid accepting responsibility, Assistant U.S. Attorney Jennifer Holmes said in an interview. The drugs might have played a role, she said.

"Obviously it was just very strange circumstances," she said.

A pre-sentence investigation will be conducted. Hovland ordered Probation and Pretrial Services to put Wounded Face on a waiting list for a halfway house while she awaits sentencing, and to look into a request by Assistant Federal Public Defender Ryan Costello that Wounded Face be allowed to spend the time with an aunt on the Rosebud reservation.

Wounded Face told Hovland that she eventually wants to work with teenage mothers on the reservation. "I actually just want to become a counselor for young women who suffer from the same illnesses as me," she said.

Commission condemns Sen.'s remark

LINCOLN, Neb. (AP) — The Latino American Commission has condemned the use of an ethnic slur by a Nebraska senator during legislative debate last month.

The commission said in a statement Tuesday it was appalled that Sen. Bill Kintner of Papillion repeatedly used an ethnic slur during a debate over allowing driver's licenses for certain youths brought to the country illegally as children.

Kintner used the word while referencing an Eisenhower administration crackdown on illegal immigration that had the slur in its name.

The commission says the word offensive and derogatory. It says it's alarming that a senator would say it during a public debate.

Kintner says he made clear during the debate that the word should never be directed at another person. But he argues it was the historically accurate name of the program.

Ricketts Meets European Beef Buyer

LINCOLN, Neb. (AP) — Gov. Pete Ricketts is discussing Nebraska's beef products with one of the state's largest customers in the European Union.

The governor's inaugural trade mission team met Monday with company officials from Inalca, an Italian beef distributor.

Ricketts says the face to face meeting was important to better understand the business and learn how Nebraskans can assist the company in expanding its customer base. Nebraska exported more than \$136.7 million in beef products to the European Union last year.

The trade mission is scheduled to stop in Italy, Belgium and Denmark from June 7-16.

Department of Agriculture Director Greg Ibach says Nebraska needs to continue building its relationships with existing European partners.

Chickens To Be Killed To Contain Bird Flu

LINCOLN, Neb. (AP) — No new cases of bird flu were found in Nebraska over the past week, but state officials say 900,000 more chickens will be slaughtered to limit the spread of the disease.

The Nebraska Agriculture Department said Tuesday the company that owns several farms where bird flu has been found agreed to kill the chickens on two other farms it owns in Dixon County as a precaution.

Including the new farms, nearly 5 million chickens are being destroyed on farms in northeast Nebraska to help control the bird flu.

Another farm in nearby Knox County with 3 million chickens remains under quarantine, but tests have not confirmed the presence of bird flu.

Nationwide, the virus has led to 47 million dead birds — mostly turkeys and egg-laying chickens.

Fire policy against impaired firefighting

VALLEY SPRINGS, S.D. (AP) — Valley Springs Fire and Rescue Chief Don Johnson says a firefighter who died fighting a house fire in Brandon when he was legally drunk responded to the emergency even though the department has a policy against doing so while intoxicated.

Johnson on Tuesday said volunteer firefighter Steve Ackerman didn't drive to the scene of the April fire, which also killed homeowner David Smith. A recent toxicology report showed Ackerman had a blood alcohol level of nearly 0.19.

State Fire Marshal Paul Merriman has said there's no uniform policy governing alcohol use in departments across the state.

South Dakota Firefighters Association President Charlie Kludt says Ackerman's case will likely prompt departments to better police intoxicated firefighting.

Johnson says Ackerman warned two of his comrades to get out of the burning house.

Olson Named Trooper Of The Year

PIERRE (AP) — South Dakota Highway Patrol Trooper Josh Olson is the state's trooper of the year.

The Highway Patrol on Tuesday announced the award, which is sponsored by AAA. Olson is a 13-year veteran of the force.

Col. Craig Price is the superintendent of the Highway Patrol. He says Olson is a strong advocate for the Highway Patrol inside and outside the organization.

Price adds that Olson is always willing to help young troopers or recruits and has a good working relationship with other law enforcement agencies.

The Highway Patrol says Olson was recognized for his dedication, professionalism and work ethic. He has worked as a field training officer, firearms instructor and mentor for the Youth Trooper Academy.

Olson was born in Minot, North Dakota. He is stationed in Brookings.

Man Sentenced 87 Month Drug Charge

SIoux FALLS (AP) — A Denver man has been sentenced to more than seven years in prison on a federal drug charge.

Thirty-two-year-old Vincent Rios pleaded guilty in December to conspiracy to distribute a controlled substance. Authorities say Rios conspired with others to distribute at least 50 grams of methamphetamine.

U.S. District Judge Jeffrey Viken sentenced Rios to 87 months in prison, to be followed by four years of supervised release.

A federal public defender was not immediately available for comment.



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