

Judge Sentences Man To Prison For Child Porn

MITCHELL (AP) — A South Dakota man accused in a child pornography case was sentenced to 10 years in prison after a judge ignored a plea agreement that called for less time behind bars.

Fifty-five-year-old Mark Johnson, of Mitchell, pleaded guilty earlier to two counts of attempted possession of child pornography. The plea deal called for Johnson to serve a total of five years in prison.

The *Daily Republic* of Mitchell reports that Judge Tim Bjorkman cited Johnson's lengthy history of sex-related crimes before handing down the sentence. Johnson has twice been convicted of sexual contact with a minor.

The judge said he would have given the defendant more time in prison if he could.

The judge recommended that Johnson have access to treatment, which was requested by defense attorney Donna Bucher.

Daugaard Signs Needs-Based Scholarship Bill

PIERRE (AP) — South Dakota Gov. Dennis Daugaard has signed into law a measure that sets up a state scholarship that will award money based on students' financial need.

When the Legislature passed the bill last week, Senate Republican Leader Russell Olson of Wentworth said South Dakota until now has been the only state without a scholarship based on financial need.

The new law provides \$200,000 to fund the first year of the scholarship program. It also provides \$1.5 million to a trust fund, with investment earnings to be used to finance scholarships in later years.

Universities, technical schools and trade schools taking part in the program must provide \$3 in scholarship money for every \$1 awarded in state money.

Union Pacific To Reinstate Injured Worker

OMAHA, Neb. (AP) — Union Pacific has been ordered to pay \$350,000 and reinstate a worker who federal regulators say was fired after reporting an injury to the railroad.

The U.S. Department of Labor's Occupational Safety and Health Administration said Tuesday that the payment the railroad owes would compensate the employee for back pay and damages.

A Union Pacific spokesman did not immediately respond to a message left Tuesday afternoon.

Regulators say the employee was a top performer who won awards at Union Pacific during a career of more than 30 years before reporting his injury in December 2010. Then OSHA says UP charged the employee with misusing his company vehicle and eventually fired him.

But OSHA released few details about the employee and his injury because regulators consider the employee a whistleblower.

York County Judge To Retire After 36-Plus Years

YORK, Neb. (AP) — Judge Curtis Evans has submitted his resignation after more than 36 years as a York County Court jurist.

Evans says he will retire on May 13. He took office in January 1977.

Evans has spent much of his career promoting mediation within the court system and supporting the just treatment of the elderly and vulnerable in Nebraska guardianship and conservatorship cases.

The first step in replacing Evans will be for the Judicial Resources Commission to meet and consider whether the judgeship should remain in the 5th Judicial District. The district is composed of Boone, Butler, Colfax, Hamilton, Merrick, Nance, Platte, Polk, Saunders, Seward, and York counties.

Daugaard Signs 3 Open Govt. Bills

BY CHET BROKAW
Associated Press

PIERRE — The South Dakota Legislature approved only three of eight suggestions by a task force that sought ways to make state and local government more open, but the head of the task force said Tuesday that lawmakers might eventually embrace some of the defeated measures.

"Raising these issues and asking people to think about them could lead to changes in another couple years. Keeping these issues at the front of the minds of policymakers can only be good going forward," said Tony Venhuizen, chairman of the task force and communications director for Gov. Dennis Daugaard.

The task force was appointed by Daugaard and Attorney General Marty Jackley to propose changes in laws dealing with open meetings and the availability of government documents.

Daugaard on Tuesday signed into law the three open-government measures passed by this year's Legislature.

One new law requires government agencies to consider the ease and affordability of public access to information when they set up electronic record-keeping systems. Those agencies also will have to tell people what information they hold to help people understand what they can request.

Another law clarifies that public docu-

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DAVE BORDEWYK

ments do not become confidential just because officials use them to make decisions. Documents or communications used in the process of making decisions are otherwise exempt from public disclosure.

The third new law does not open government. It clarifies that three-member boards of townships, road districts and small towns do not violate the open meetings law if two or more members meet without giving public notice to fix a bridge or road or do other work previously approved in a legal public meeting. In most townships, the elected supervisors also are the ones who actually fix roads or bridges.

Among the five measures rejected by the Legislature were bills that would have clarified that police logs of calls for service and criminal mug shots could be made public, expanded open-meeting requirements for some government committees and task forces, and specified that email or other electronic communication among a quorum of board or commission members is a teleconference

subject to the open meetings law if official business is discussed.

South Dakota's open meetings law requires state and local boards and commissions to give notice of a meeting and its agenda at least 24 hours in advance. Those meetings can be closed to the public only if the discussions are about personnel issues, student performance, litigation or contracts, employee contract negotiations, pricing strategies by publicly owned businesses, and certain economic development matters.

Dave Bordewyk, general manager of the South Dakota Newspaper Association and a task force member, said the Legislature might be ready to accept some of the defeated proposals if some changes are made in the bills.

"With the bills that failed, we learned some things in their failure as they were going down that will be helpful in bringing them back," Bordewyk said.

The bill clarifying that police logs and mug shots can be made public was defeated because defense attorneys said putting mug shots on television, the Internet or newspapers could prejudice the public against their clients. Bordewyk said lawmakers might approve making police logs public if mug shots are not included in the bill.

Lawmakers were not comfortable with the idea that emails and other electronic communications could amount to a public meeting, but that proposal could be changed to make it more acceptable, Bordewyk said.

Bill Would Require Neb. Schools To Teach Sex-Ed

LINCOLN, Neb. (AP) — Nebraska lawmakers listened to a heated debate on whether to mandate sexual education classes.

A committee heard more than two hours of testimony on Tuesday on a measure that would require school districts to offer sex education in the classroom. The bill would allow students to opt-out of the classes.

Bill opponents expressed concerns about a provision in that bill that would prohibit teachers from promoting bias in the curriculum against sexual orientation, gender identity and sexually active students.

Karen Bowling of Nebraska Family Council says this part of the bill goes beyond sexual education and disregards religious beliefs.

Supporters of the bill say students need to be provided age-appropriate and medically accurate information about sex and how to prevent sexually transmitted infections and pregnancy.

Daugaard Says S.D. Can Run Campground

PIERRE (AP) — South Dakota Gov. Dennis Daugaard is asking the National Park Service to let the state run the campground at Wind Cave National Park.

The federal agency has said that the 64-site Elk Mountain Campground would be closed through the 2013 season because of budget cuts.

Daugaard says in a letter to National Park Service Director Jonathan Jarvis that the state "would be pleased" to operate the campground this year.

The Republican governor says he believes the state could make money on the facility because 6,600 people camped there last year.

Republican U.S. Sen. John Thune from South Dakota had earlier sent a letter to Jarvis questioning whether the park service is playing politics by intentionally trying to make the cuts more visible to the public.

Man Involved In Standoff Faces New Charges

PARKSTON (AP) — A man involved in an armed standoff with police in the South Dakota city of Parkston faces new charges.

Authorities allege 18-year-old Nicholas Heisinger barricaded himself in an apartment on March 2 and held police at bay for about two hours before surrendering without incident.

He initially was charged with simple assault on a law officer and obstructing law enforcement. The *Daily Republic* newspaper reports that he now is charged with felony aggravated assault of a law officer, obstructing law enforcement and public indecency for allegedly being naked in public. He could face up to 25 years in prison if convicted on the felony assault charge.

Heisinger's attorney did not immediately respond to an Associated Press request for comment.

Child Porn Victim Loses Restitution Appeal

OMAHA, Neb. (AP) — A federal appeals court has rejected a child pornography victim's effort to get nearly \$1 million in restitution from a Lincoln man convicted of having pictures depicting her abuse.

A woman named only as "Vicky" in court filings has documented \$1.2 million in losses from the distribution of the images and has filed for restitution in more than 200 federal criminal cases across the country. She has collected nearly \$272,000.

A Nebraska court ordered she be paid nearly \$20,000 by Robert Fast, who was convicted in 2011 after investigators found child pornography at his home, including images of Vicky.

Fast appealed, and the U.S. 8th Circuit Court of Appeals reversed the restitution. Upon resentencing, Fast was ordered to pay \$3,333. She appealed, and the 8th Circuit on Monday rejected it.

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