

Legislature Sets Minimum Distances For Vehicles To Pass Bicyclists

BY BOB MERCER
State Capitol Bureau

PIERRE — Motorists passing bicyclists in South Dakota would need to allow specific distances between their vehicles and the bicycles, under a measure that received final approval Tuesday by the Legislature.

The state Senate voted 27-7 in favor. HB 1030 now goes to Gov. Dennis Daugaard for his consideration. It calls for at least three feet between the right-most part of the vehicle and the bicycle, and at least six feet between them on roadways where speed zones are above 35 miles per hour.

"People are realizing the importance of this," Sen. Mike Vehle, R-Mitchell, said. "Twenty five other states have similar bills." Sen. Jim Bradford, D-Pine Ridge, was the first to vote in the Senate roll call. "Pass!" he shouted,

drawing laughter.

The Senate defeated an amendment from Sen. David Omdahl, R-Sioux Falls, who wanted to allow counties to decide whether to allow bicycle lanes on highways.

Omdahl said wide trucks on narrow highways would need to cross the centerline into the oncoming lane in order to provide the six feet.

"This amendment turns the whole bill on its head," Sen. Craig Tieszen, R-Rapid City, said. "We should be promoting bicycling and bicycle safety. This amendment doesn't do anything to accomplish that."

The House of Representatives approved the bill 53-16 on Feb. 17. The measure was introduced at the request of the state Transportation Department, suggesting the governor likely will sign it into law.

Measure Passed To Better Response

PIERRE (AP) — The state Senate has passed a measure that would more easily allow the state to react to deadly disease outbreaks.

Senators voted 29-5 Tuesday to approve the plan, which was backed by the Department of Health and would expand the state's authority to respond to serious communicable diseases.

Republican Sen. Craig Tieszen says the measure came as a result of the Ebola scare that peaked last fall. He says the measure modernizes the types of diseases included in state law, which was focused on Tuberculosis.

Republican Sen. Phil Jensen questions why the bill is necessary and says the bill itself should be quarantined. It heads to Gov. Dennis Daugaard's desk.

The proposal originally gave the state authority over all top-tier diseases. It was amended in January to cover just five.

School Safety Plan Measure Defeated

PIERRE (AP) — The state House has voted down a measure requiring South Dakota schools to have a safety plan for potential violent incidents such as a school shooting.

The House voted 37-30 against the proposal, which also would require schools to conduct a lockdown drill annually.

The bill's sponsor is Republican Rep. Scott Munsterman. He says the bill's defeat on the floor surprised him.

Munsterman says schools have drills for tornadoes and fires, so they should also have a blueprint for reacting to violent situations.

Opponents say the measure contained unnecessary mandates on school districts.

Munsterman says school districts want the guidelines and says that the plan is part of making children safer. The plan had been approved in its previous legislative stops without any dissenting votes.

Deferred-Action Youths Ask For Licenses

LINCOLN, Neb. (AP) — Nebraska is the only state to deny driver's licenses to youths who were brought into the country illegally as children, and could remain so if Gov. Pete Ricketts mirrors the policies of his predecessor.

Lawmakers heard nearly three hours of supportive testimony in a legislative hearing Tuesday for a bill by Sen. Jeremy Nordquist of Omaha. It would allow driver's licenses for qualified youths who were granted deferred-action status under an Obama administration policy.

Advocates call the bill common sense for public safety and employment.

Former Gov. Dave Heineman announced in 2012 that Nebraska would not issue driver's licenses to the youths. Ricketts has said he opposes taxpayer dollars for individuals who have entered the country illegally.

South Dakota PUC Approves Rate Hikes

PIERRE (AP) — The state Public Utilities Commission has granted a request from Black Hills Power to raise rates for its customers in western South Dakota.

The commission voted 3-0 on Monday to approve an overall rate hike of 4.35 percent. The utility company had initially requested an approximately 9 percent hike.

The hike means a residential customer using an average of 650 kilowatt-hours of power per month will see an increase of about \$58 per year.

Because the commission granted the utility its requested 9 percent rate on a temporary basis starting last October, Black Hills Power will refund customers with the difference, with 7 percent interest.

The new rates will bring in close to \$6.9 million more for the public utility. They're scheduled to take effect starting in April.

2 Women Sue MUD For Discrimination

OMAHA, Neb. (AP) — The Nebraska Court of Appeals has revived the lawsuits of two women who say that Omaha's Metropolitan Utilities District discriminated against them by passing them over for a job that went to a less qualified man.

Kristina Hartley and Sherri Meisinger sued the utility in 2011 after applying for a supervisory position. Although each had worked for the utility for 20-plus years and met educational and other requirements of the job, the position was given to a man they said did not meet the posted educational requirements who had only four years' experience.

The appeals court found Tuesday that a judge improperly dismissed Meisinger's case. It also ordered a new trial for Hartley, saying the judge wrongly excluded the testimony of two other women who accused MUD of discrimination.

Neb. Surviving Twin Fights For His Life

LINCOLN, Neb. (AP) — A tiny boy born on his parents' way to a Nebraska hospital is struggling for life as they mourn his twin sister.

Kaleb and Savannah Clark arrived early on Feb. 5 as their parents, 39-year-old Kevin and 36-year-old Laura Clark, headed to Lincoln from their home in Barnes, Kansas. Kevin Clark had to stop alongside U.S. Highway 77 on the south side of Lincoln because one baby already had arrived.

Laura Clark's cousin Mary Crevier told the *Lincoln Journal Star* that two days after the twins were born, Savannah died after blood vessels burst in her head and lungs.

Crevier says Kaleb weighed about 2 pounds at birth. He's since gained about 10 ounces and been taken off a breathing tube.

She says Kaleb's "a little fighter."

Panel Votes Down Measure To Void Transgender Athletes Policy

BY JAMES NORD
Associated Press

PIERRE (AP) — A measure that would have required transgender students to use the sex on their birth certificates to determine the sports team they played on was defeated by a South Dakota Senate committee Tuesday, but another bill on the issue is being considered later this week.

The Senate Education Committee voted 4-3 to dismiss the measure, which would have invalidated a South Dakota High School Activities Association policy on transgender student participation in sports.

The association's policy was adopted in June. It directs schools to help transgender students or their guardians apply to the activities association with the correct documentation. An association committee would then make the determination.

Republican Rep. Jim Bolin of Canton, the House sponsor of the bill that was defeated by the Senate committee, said the association "made a significant

error and overstepped its authority" when it adopted the policy.

"It's not a small thing. It is a very, very big thing," Bolin told the committee.

On Thursday, the same legislative panel is to consider a separate measure that seeks to void the policy.

Dale Bartscher, executive director of Family Heritage Alliance Action, pushed the committee to support Bolin's measure and said that it's unfair to allow young people whose sex at birth was male to play on girls sports teams. He acknowledged the emotions surrounding the issue, but said the association's policy should be "voided and avoided."

Lindsey Riter-Rapp, a lobbyist for the organization, told the committee that the association hasn't fielded any requests from transgender students yet. She said the policy was meant to be a proactive move since the issue has been raised in other states, and that it was thoughtfully considered before being approved.

Those opposed to voiding the policy argued that transgender athletes

shouldn't face discrimination or intolerance. Huron District Superintendent of Schools Terry Nebelsick, who was testifying as a private citizen, said children should be made to feel valued and shouldn't be stopped from participating in school athletics.

"We must not select a group of children to discriminate against," Nebelsick said. "A student is a child of God and needs (the) unconditional love and protection of the adults that are in their lives."

Andrea Koters, a transgender student from Emery, South Dakota, who identifies as a girl, testified against the measure during a House committee hearing in February.

Koters, 18, said Tuesday that she's pleased the Senate panel shot down the plan because it's unfair.

"People need to meet someone like me and actually talk to me for a little bit to understand who I am," said Koters, who added that she hopes "that we have that freedom to be who we want."

Taliaferro Arrests Takes New Turn In Senate

BY BOB MERCER
State Capitol Bureau

PIERRE — The state Senate made changes Tuesday sought by state Attorney General Marty Jackley in a South Dakota law that allows arrests to be expunged from a people's records if they weren't found guilty.

The legislation seeks to remove the requirement that the prosecutor must give consent before the judge can order the arrest removed from the record. Jackley has opposed that proposed change.

The legislation, whose prime sponsor is Rep. Dan Kaiser, R-Aberdeen, stems from the refusal of a special prosecutor to consent to two arrests being expunged for former Brown County assis-

tant prosecutor Brandon Taliaferro.

Jackley selected the special prosecutor, Beadle County state's attorney Michael Moore. Jackley and Moore testified twice at legislative hearings against the bill.

The charges were dismissed on the two arrests but couldn't be expunged by the trial judge without the consent of Moore.

Five other arrests for which Taliaferro went to trial were expunged, because Taliaferro was acquitted of those charges by the trial judge.

Taliaferro appealed to the South Dakota Supreme



Jackley



Rusch

Court, where the justices issued a unanimous opinion in November that the judge couldn't dismiss the two arrests because Moore didn't give consent.

The justices however also said in the opinion's final sentence: "We recognize that this is a harsh result; nevertheless, the appropriate avenue for relief in this case is through the Legislature."

The bill's lead Senate sponsor said Tuesday negotiations led to a compromise that Jackley is willing to accept.

The amendment made by the Senate adds a one-year

wait and a requirement that clear and convincing evidence be presented to the judge considering the expungement, according to Sen. Art Rusch, R-Vermillion.

Rusch is a retired circuit judge. The amendment was added without opposition. Senators then voted 33-1 for the amended version. The nay came from Sen. Mike Vehle, R-Mitchell.

HB 1134 now returns to the House for a decision whether to concur with the amendment or send the measure to a House-Senate conference committee for further negotiation.

"We're talking about expungement of arrests where there's no conviction," Rusch said.

Fast-Moving Storm Dumps Snow In Parts Of Midwest

MINNEAPOLIS (AP) — A fast-moving storm dumped several inches of snow across the Upper Midwest on Tuesday, making travel treacherous in some areas and leading to at least several traffic-related fatalities.

The storm dropped up to 6.5 inches of snow in western Minnesota, while far eastern South Dakota got 3 inches. But blizzard warnings for Minnesota and South Dakota were lifted.

Meteorologist Jim Taggart with the National Weather Service in Chanhassen, Minnesota, said the state has seen about half its usual snowfall this season. But the quick-hitting storm could be winter's last blast for the region, said Minnesota Public Radio meteorologist Paul Huttner. Forecasts call for high temperatures above

freezing this weekend and into next week.

TOUGH TRAVELING

Snow turned the morning commute in the Twin Cities into a slippery mess. The State Patrol reported 150 crashes and nearly 30 vehicles that slid off roads or spun out by midafternoon. A state trooper's squad car was struck and badly damaged on I-494 near Concord in South St. Paul, Minnesota, while that trooper was investigating a crash.

Authorities closed a slippery stretch of Interstate 94 in central Minnesota for a time due to numerous accidents. The driver of an SUV was killed in a multivehicle crash on the freeway, the State Patrol said.

One person died in a crash on Highway 41 in Brown County of northeast-

ern Wisconsin. At least four school buses got stuck in traffic behind the crash scene.

The storm forced officials to temporarily close the Apostle Islands ice caves to tourists. Around 12,000 people have visited the ice caves along the south shore of Lake Superior since they opened over the weekend. But the National Park Service said high winds and blowing snow could make the ice leading to the caves unsafe.

PRAIRIE PROBLEMS

Many schools from the eastern Dakotas to western Minnesota delayed classes or closed for the day. South Dakota's Transportation Secretary Darin Bergquist warned it would be "a dangerous spring storm." "Just another day in

South Dakota," said Jessica Martin, who works at the Crossroads Truck Stop in the eastern South Dakota town of Colman. "We're way ready for spring."

Heavy snow and gusty winds also struck much of Wyoming, causing road closures and prompting transport officials to warn against all but essential travel across much of the state. Three people were killed in a three-vehicle crash north of Casper, Wyoming, on Monday night as the storm blew into the state, the Casper Star-Tribune reported.

Icy roads were making travel treacherous in Iowa and Nebraska, leading to at least one fatal traffic accident in Omaha. Rain and freezing rain remained in the forecast for both states.

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