

Panel Votes Down Measure Allowing More Municipal Sales Taxes

BY JAMES NORD
Associated Press

PIERRE — A measure to allow municipalities to temporarily collect up to an additional cent of sales tax for infrastructure projects fell victim on Friday to concerns about hiking taxes, even though supporters said it would help communities thrive.

The House State Affairs Committee voted 7-6 to defeat the proposal, which would have required voter approval before a tax hike could be imposed. Opposing lawmakers argued that the Legislature is already considering revenue increases for transportation funding and said new taxes would harm South Dakota's business-friendly climate.

House Majority Leader Brian Gosch questioned whether the hikes are necessary. Opposition group Americans for Tax Prosperity South Dakota argued the

measure could have added more than \$150 million in new taxes if every city implemented it.

"If I took money out of your pockets, I could do a landscaping project around my house," Gosch said. "I don't know that I need that, but maybe I want it, and so it's kind of that discussion of need versus want."

Supporters scoffed at characterizations that the new taxing authority would lead to such a large hike and urged lawmakers to understand municipalities' needs. Mark Lee from the Sioux Falls Area Chamber of Commerce said voters would have to sign off on tax increases for specific projects.

Representatives from cities across the state highlighted adding more parking in a tourist hotspot to road projects to required airport renovations as examples of projects that could benefit from the bill.

Republican Rep. Scott Munsterman,

a former Brookings mayor who is sponsoring the proposal, said the measure would give cities another tool for that type of necessary construction.

"I've been known to say that next to a mayor's spouse, the sexiest thing to a mayor is water and sewer because it lays the infrastructure for a community to develop and to grow and to prosper, and that's what we're asking," Munsterman said.

Yvonne Taylor, executive director of the South Dakota Municipal League, said cities weren't looking for a state handout but instead to take control at the local level — and only if the voters approved it.

"We call it the perfect bill," Taylor said after the vote. "I'm sure I'm going to go out and explain (the defeat) to people this spring when we do our legislative update, and they're going to go, 'but why?'"

Legislators Passed Four Big Bills Friday

BY BOB MERCER
State Capitol Bureau

PIERRE — With just five working days left next week to finish the main run of the 2015 session, South Dakota lawmakers blazed through a flurry of bill approvals Friday, including final passage for four pieces of major legislation on tech schools, elderly victims, zoning and legislator pay.

The House of Representatives agreed with Senate amendments to a measure that would allow cities and counties the option to approve conditional-use permits with a majority of the board members present.

Current law requires a two-thirds majority of the total number of board members. The House vote was 50-12, as the prime sponsor of HB 1201, Rep. Mark Mickelson, R-Sioux Falls, called for House members to approve the Senate version.

House members also agreed with Senate amendments on a bill that would grant legislators compensation to attend the annual budget speech by the governor and to visit Pierre to take their oaths of office.

The House voted 62-0 to approve the Senate version of HB 1045. The prime sponsor, House Republican leader Brian Gosch of Rapid City,

said he supported the changes made in the Senate.

Members of the Republican and Democratic leaderships from both chambers are co-sponsors.

The Senate gave final passage to creating a state task force on elder abuse.

The prime sponsor of SB 168, Sen. David Novstrup, R-Aberdeen, asked the Senate to agree with the House amendment to add two seats for a total of 17 people on the panel.

"The House took the senator from Burke's advice on this bill," Novstrup said. "It's a good addition to have bankers on the committee now."

Senate Democratic leader Billie Sutton of Burke thanked Novstrup and the House for agreeing with his point. Sutton was it is "integral" to have some bankers involved in the discussions.

The Senate vote was 31-0.

Another measure sponsored by Mickelson received final approval. The Senate voted 31-0 for HB 1118 that provides options for the governance of local technical institutes.

The four bills now head to Gov. Dennis Daugaard for his consideration whether he wants them to become law.

Senate Blocks Attempt To Make Email Board Votes Public Record

BY BOB MERCER
State Capitol Bureau

PIERRE — State Senate leaders indicated preliminary interest Friday in possibly banning public bodies from casting votes by email, text and other digital messaging. The lawmakers' comments came as they killed a proposal from the South Dakota Newspaper Association that would have defined digital voting as a teleconference.

Teleconferences already are subject to state open-meeting requirements.

But members of the Senate State Affairs Committee rejected the legislation on a 5-2 vote.

Every one of the senators said they understood the intent but almost every one of them also was concerned that local officials could inadvertently break the law and messages from citizens would up in the public domain.

Sen. Corey Brown, R-Gettysburg, suggested there be a ban against a quorum conducting public business over texts or emails.

Brown said he is "more concerned" that a body could take action by email.

"To me, you go to the front of the problem. You nip it off at the beginning," Brown said.

"I don't know if we're getting to the root of the problem," Senate Republican leader Tim Rave of Baltic said.

Rave said decisions already could be reached through one to one conversations among board members.

"There should be opportunity for public input at a meeting," Rave said.

David Bordewyk, executive director for the South Dakota Newspaper Association, said he's hearing "more and more from reporters and editors" that decisions are reached at public meetings without discussions taking place.

Sen. Bernie Hunhoff, D-Yankton, called it "a murky area" and questioned why SDNA didn't take on other

public-information issues. He noted the Legislature isn't subject to the open-meeting laws.

"How can I suggest to them that I am going to hold them to a different standard than we have out here in Pierre?" Hunhoff asked.

"That's a decision for you to make," Bordewyk replied.

Sen. Alan Solano, R-Rapid City, said his discomfort with the SDNA proposal is "the net pulls in" conversations with private citizens. He said that is different than at a public meeting, where people know they are on the public record.

"That's why I've got grave concern with this bill," Solano said.

Senate Democratic leader Billie Sutton of Burke said it's difficult to recruit people to run for any public office and the SDNA proposal would increase the fear of doing something wrong unintentionally.

"This is a tough one for me because I agree with the premise," Sutton said. "I'd be willing to look at this in the future and try to come up more reasonable solutions that don't create this fear factor for those folks."

Sen. Deb Soholt, R-Sioux Falls, said she supports transparency and open government but there is a need to be careful "in this emerging arena" of digital communication.

"It just is clunky and complicated," she said about the legislation.

Hunhoff said he likes "the Gettysburg solution," a reference to Brown's suggestion to simply ban the digital voting.

"They're picking on the wrong people in this bill," Hunhoff said. "I think the way it is written is wrong. I would send it to the (Senate) floor and bring the Gettysburg solution."

Rave said he would rather work on the issue over the summer and come back with a broader proposed solution.

"I think there's a bigger problem at its root cause," Rave said.

Ruling In Indian Child Welfare Lawsuit Delayed

RAPID CITY (AP) — Attorneys for several Native American tribes and families that are suing South Dakota say they need to see records of a circuit court judge's conversations to show how he ordered fellow judges to handle child custody hearings that they say violate federal law.

The attorneys for the Oglala Sioux and Rosebud Sioux tribes and several Native American parents contended during a hearing Thursday that 7th Circuit Judge Jeff Davis must reveal how he advised fellow judges to conduct 48-hour child custody hearings, the *Rapid City Journal* reported.

Chief U.S. District Judge Jeff Viken did not issue a ruling at the hearing. His ruling could be crucial in the 2-year-old lawsuit that alleges the state routinely violates the U.S. Indian Child Welfare Act by holding improper hearings after children are removed from homes.

The plaintiffs contend that judges act quickly and without giving Native American parents due process when children are removed from their homes. They say parents' rights are violated at initial custody hearings, which must be held within 48 hours of an accusation of abuse. The families say they're not allowed to challenge workers from the Department of Social Services or prove they can take care of their children.

Davis is the presiding judge of the 7th Circuit, which means he makes administrative decisions for the circuit. Attorneys for the plaintiffs say that Davis has advised his colleagues on how to conduct 48-hour hearings.

He has refused to release any documents he considers protected communication, believing he has judicial privilege. The judge also has objected to say whether he may have had any conversations with judges on the procedures for 48-hour hearings.

ACLU attorney Stephen Pevar, representing the plaintiffs, said in court that all of the 7th Circuit judges handling abuse and neglect cases follow the same procedures for those hearings. There has to be a reason they all follow the same procedure, he said, which is why the plaintiffs are requesting Davis' records.

"Our burden is to prove these are more than random acts," Pevar said. "We need to know to the extent (Davis) is a policy-maker and to what extent he is involved."

Davis' attorney, Nathan Oviatt, said judges have a difficult job and must deal with unsavory issues, therefore they have to be free to have confidential communication with their staff, attorneys and colleagues.

Viken said he intends to issue a ruling by the end of March.

Beware Of Fake Labor Law Posters

SIOUX FALLS (AP) — Attorney General Marty Jackley is warning businesses to beware of companies selling fake federal labor law posters.

Jackley says scammers are trying to catch businesses off-guard and profit by forcefully selling fake versions of required labor law posters.

He says companies often try to scare businesses with threats of potential fines and penalties. The solicitors often have an official-looking seal to create the impression the advertisement is legitimate.



KOZY HEAT
FIREPLACES

Start to Finish
Larry's Can Provide
a Complete
Installation

- Venting • Gas Piping
- Wood Mantels
- Cultured or Natural Stone Mantels

Larry's
HEATING & COOLING

920 Broadway, Yankton • 665-9461 • www.larrysheatingandcooling.com

Governor Unsure About Wage Proposal

PIERRE (AP) — Gov. Dennis Daugaard says he hasn't decided whether to veto a measure to exempt South Dakota's youngest workers from the \$8.50 minimum wage voters approved in November.

The Legislature has approved the measure. Daugaard said Friday he wants to consider arguments around the plan, which would carve out a \$7.50 youth minimum wage.

Daugaard said he wouldn't support a "direct attack" on the voter-approved measure such as a repeal of the cost of living increases attached to the wage.

The legislative proposal would affect people under 18, and the \$7.50 youth wage wouldn't be subject to future cost-of-living increases.

But Daugaard says a youth wage wasn't really discussed during the ballot question campaign ahead of the election.

Opponents have said the legislation goes against will of the voters.

Walter Matthau's Kearney Past Revealed

KEARNEY, Neb. (AP) — A University of Nebraska student has discovered the journalistic history of Hollywood legend Walther Matthau while he was stationed in Kearney during WWII.

The *Kearney Hub* reports that Robert Roy Foresman recently unearthed Matthau's writings while transcribing copies of *The Duster*, the newspaper of the former Kearney Air Field.

While digitally preserving *The Duster*, Foresman noticed several articles written by "Walter Matthow." Roy knew that some Hollywood stars changed their names to seem more appealing, so he researched and discovered that the author of the articles and the actor were indeed the same person.

Matthau, the star of such films as "The Odd Couple" and "Grumpy Old Men," had changed his name at the start of his acting career.

"He wrote a series of articles, and they're actually quite funny," Foresman said. The graduate student said that the highlight of Matthau's writings is a column titled "Fare Enough" that took aim at the bus service that transported soldiers in the area.

"The dilapidated push carts which are erroneously referred to as buses, plus the scant three miles separating Kearney from the Base, hardly warrant the 15 cent fare," Matthau wrote.

Soon after that column was published, the bus fare was reduced to 10 cents.

Foresman hopes that the community members with more information will contact him as he continues with his research.

Daugaard To Sign 'Daschle law' Repeal

PIERRE (AP) — Gov. Dennis Daugaard says he will sign a measure to change the state's so-called "Daschle law" that bars a presidential candidate from seeking another office on the same South Dakota ballot.

Daugaard said on Friday he will approve a proposal to remove the prohibition.

The original Republican-backed measure in 2002 faced criticism from Democrats for targeting then-U.S. Senate Majority Leader Tom Daschle, who was considered a possible 2004 Democratic presidential candidate.

Daugaard says the state should seize the opportunity to increase its political influence for candidates from both parties.

Democrats had fought against the change this session, but Senate Democrats largely ended up supporting it to put an end to political games around the plan.

Daugaard says he voted against the 2002 bill when he was in the Legislature.

Senators Pass Marriage License Bill

LINCOLN, Neb. (AP) — A bill to increase the cost of marriage license fees in Nebraska has passed in the Legislature after a prolonged debate.

Lawmakers voted 42-4 Friday to pass the measure, which would raise the county fee for marriage licenses from \$15 to \$25. Certified copies would rise in cost from \$5 to \$9.

Lawmakers debated a full eight hours on the original bill, which would have increased the fee to \$50, before compromising at \$25. Opponents say the fee is really a tax, and the increase is too steep.

The Nebraska Association of County Officials says the current \$15 fee does not cover the costs of filing a marriage license and verifying the information.

Gov. Pete Ricketts has five days to approve or veto the bill.

SF Group Pushes For Later School Start

SIOUX FALLS (AP) — Sioux Falls residents pushing to move the city's school start date back three weeks have begun their campaign.

The group Voice in Local Control is encouraging people to vote no in an April election and allow the school year to begin after Labor Day. *The Argus Leader* reports the group kicked off their campaign Thursday night.

The Sioux Falls School Board voted last year to continue its 20-year tradition of beginning school in mid-August.

The parents behind Voice in Local Control say they want more time with their children at the end of the summer.

Several students testified at a hearing Wednesday that a later start date would negatively affect the time they have to study for Advanced Placement tests in the spring.

KEEP INFORMED ABOUT PUBLIC NOTICES IN SOUTH DAKOTA.

Learn more at www.facebook.com/PublicNotices




www.edwardjones.com

Retirement May Be Far Off, But the April 15th Deadline for IRA Contributions Isn't.

You have only so many years to prepare for retirement. That's why contributing to your Individual Retirement Account (IRA) is so important. Fortunately, you still have time to maximize your 2014 IRA contribution before the April 15th deadline.

By contributing now, your retirement savings can have more opportunity to grow. Even if you already have an IRA elsewhere, it's easy to transfer it to an Edward Jones IRA and begin receiving the face-to-face guidance you deserve.

To learn more about the advantages of an Edward Jones IRA, call or visit today.

<p>Wayne R Ibarolle Financial Advisor</p> <p>220 West 3rd Street Yankton, SD 57078 605-665-4567</p>	<p>Devin J Anderson Financial Advisor</p> <p>508 West 23rd Street #1 Yankton, SD 57078 605-665-7912</p>
<p>Stacy A Hubert Financial Advisor</p> <p>220 West 3rd Street Yankton, SD 57078 605-665-4567</p>	

Edward Jones
MAKING SENSE OF INVESTING

Member SIPC