

Future Of Highway Funding, Interstate Speed Limit Lies In Daugaard's Hands

BY BOB MERCER
State Capitol Bureau

PIERRE — The future of highway funding, and the potential to drive legally at 80 miles per hour on the long, rural stretches interstate in South Dakota, are now up to Gov. Dennis Daugaard.

State lawmakers passed sweeping legislation Friday that, if the governor agrees, would:

- Raise the motor-fuels tax by six cents per gallon on April 1, to 28 cents;
- Add 1 percent of excise tax on vehicle purchases, to 4 percent;
- Increase license plate fees by 20 percent on noncommercial vehicles starting in May;
- Allow counties and townships to impose additional property taxes for roads and bridges; and
- Let motorists go 80 rather than 75 mph on I-29 and I-90.

The measure, SB 1, was the first



Vehle

bill introduced in the 2015 legislative. Its House passage at about 6:15 p.m. Friday made it the second-to-last bill to pass.

Only the state government budget for fiscal 2016 remained in the final hours of the last day of the 2015 session's main run.

The hero of the day for many was Sen. Mike Vehle, R-Mitchell. He is chairman of the Senate Transportation Committee.

Vehle led the Legislature's interim study of highway needs and highway financing last year that produced the first version of the measure that passed, SB 1.

Vehle also played a significant role in the governor reaching the conclusion that he would consider tax increases for highway funding this year.

The Legislature had to override Daugaard's 2011 veto of license-plate fee increases.

The state tax on gasoline and diesel for highway use last was increased in 1999 when Bill Janklow was governor.

The two subsequent governors, Mike Rounds and Daugaard, both opposed highway-tax increases until Daugaard's switch this year.

Vehle said the House and Senate negotiators were deadlocked Thursday on the fuel-tax portion.

The Senate had voted for annual two-cent increases over eight years, while the House wanted annual two-cent increases over three years.

The idea that made the deal came on Friday morning in a conversation Rep. Steve Westra, R-Sioux Falls and Vehle. The House offered to put all six cents into effect right away, so more money

could be collected and more projects could commence sooner.

The fuel tax hike will generate an estimated \$40.5 million while the excise tax increase will produce an additional \$27 million to \$30 million.

Most of those amounts would go to state work, but some will be placed into a local bridge fund by the state Transportation Commission. That sub-amount hasn't been set.

The license plate increases are expected to bring in \$18 million total for the counties, with each county's share depending on the vehicles registered there.

Counties and townships also will be allowed to add property taxes for roads and bridges, subject to referral votes.

After the Senate voted 25-9 for passage of SB 1 in its final version late Friday afternoon, Sen. Ried Holien, R-Watertown, stepped over

to Vehle's desk to congratulate him. They shook hands and smiled.

"Somebody asked how my day has been," Vehle said later, as he hurried to another meeting. "I said, you remember those things called yo-yos." He motioned up and down. "That's what it's been like."

The two leaders from the study committee, Vehle and Rep. Mary Duvall, R-Pierre, each received the honor of speaking first in their respective chambers for the bill during the final debates.

"The bottom line is we have a \$14 billion asset in the state and need to take care of it," Duvall said. She referred to SB 1 as "a first step."

Rep. Dennis Feickert, D-Abberdeen, said his concern is public safety. "Today is the day we need to move forward with this funding," Feickert, a former Brown County

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Legislature Approves Scholarship Bill

PIERRE (AP) — The South Dakota Legislature has approved a bill that would continue funding a program aimed at keeping teachers in key fields in the state.

The House passed the bill Friday that would allocate \$150,000 to the Critical Teaching Needs Scholarship. Recipients must agree to remain in the state and work in a critical-need teaching area for five years upon graduation.

The program was created last session and the first 19 college students were awarded the scholarship last summer. Board of Regents CEO Jack Warner says he's pleased the funding for the program will continue.

A student can receive the teaching scholarship for up to two years, but the maximum annual award can't exceed the cost of tuition and general fees for 30 credit hours at a South Dakota public university.

Chain Joining Dairy In Compost Venture

LINCOLN, Neb. (AP) — Officials for a Lincoln-based grocery chain are hoping to turn tons of produce, bakery goods, meat scraps, floral arrangements and cardboard into a salable compost product after it's mixed with manure from a dairy.

B & R Stores wants to begin selling bags of its Prairie Gold this spring, the *Lincoln Journal Star* reports.

"It completes the cycle," said Larry Elias, B & R's director of sales and merchandise, referring to transforming organic waste into a usable product for farmers, gardeners and greenhouses. Compost is made from decayed organic material, looks like soil and is used as fertilizer.

The company did a trial run last year with Prairieland Dairy near Firth and one Russ's Market store and learned that 80 percent of what was going to the local landfill was compostable. This year waste from six of B & R's Russ's Market stores will be added to manure from Prairieland. The mix will sit in windrows for eight weeks and then will be piled up to cure for a year.

The cured product will be combined with organic waste from various sources before being bagged into Prairie Gold.

Experts say composting helps extend the life of landfills and reduces the amount of a greenhouse gas, methane, released into the atmosphere.

"Landfill space is limited, and it's the right thing to do," Elias said. "It'll hopefully, over the long term, reduce our landfill costs."

It's too early, however, to tell how much money B & R will save by working with the dairy, he said.

Man Sues Over Lincoln Arena Policy

LINCOLN, Neb. (AP) — A man who was ticketed for trespassing while handing out religious leaflets outside Lincoln's Pinnacle Bank Arena has filed a civil rights lawsuit against the city.

The *Lincoln Journal Star* reports that Larry Ball says in a lawsuit filed Thursday that arena policies violate his free speech rights. The lawsuit names the mayor, the police chief and the arena operator, SMG.

Ball, who is seeking punitive damages and attorney fees, was arrested and cited last week for trespassing during the girls state basketball tournament. A year ago he was arrested and cited outside the state boys basketball tournament.

City Attorney Jeff Kirkpatrick's office dismissed charges against Ball last year, and then released a policy that governs "exterior access" to the arena.

The policy restricts the areas in which solicitors, pamphleteers, pickets, members of the media and others can work and demonstrate.

The restricted area encompasses the public sidewalk, walkways, steps, terraces, verandas, access ramps, loading ramps, Festival Space parking and the parking garage.

The city says that the arena sits on land that is owns, and that the area in front of the arena is quasi-public.

Ball's attorneys, Thomas White of Omaha and Amy Miller of the American Civil Liberties Union of Nebraska, say the arena's sidewalks are public thoroughfares.

Fit To Be Tied

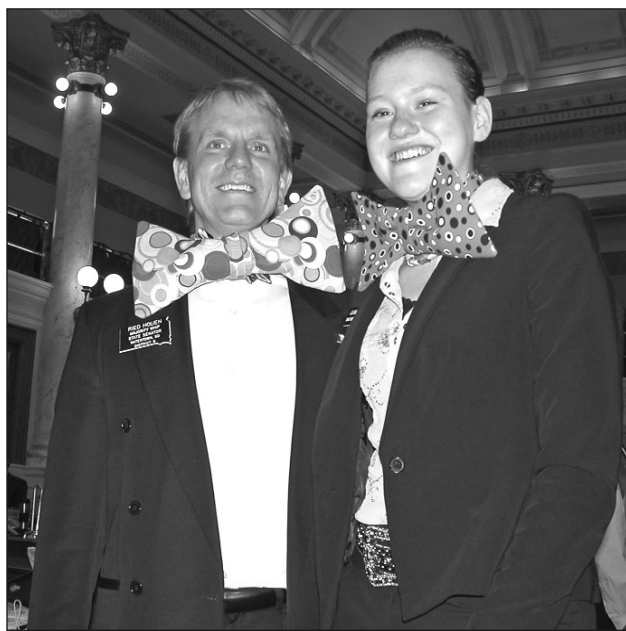


PHOTO: BOB MERCER

Sen. Ried Holien, R-Watertown, and Senate intern Joanna Olsen of Huron sport special bow ties that she made in honor of Friday's final day of the main run of the 2015 South Dakota legislative session in Pierre. Holien has been a loyal convert to the Friday bow-tie tradition begun by Sen. Mike Vehle, R-Mitchell, some years ago.

Justices Allow Lawsuit From Man Paralyzed At Neb. Lake

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A man who became paralyzed after diving into a shallow private lake can move forward with a lawsuit against the community association and the family who invited him, but not the former property owners, the Nebraska Supreme Court ruled Friday.

Cole Hodson was paralyzed from the chest down on July 26, 2010, after diving into Willers Cove lake near Pilger, hitting an unexpected shallow area and breaking his neck. He was 18 at the time.

Hodson sued a friend and her parents, Bradley and Laura Taylor, who live on the lake and invited Hodson and several others for a day of boating and swimming. The lawsuit claims they were negligent for failing to warn lake users of shallow conditions, among other things.

He also sued the Willers Cove Owners Association

and a couple who formerly owned of the lake. Hodson said the association failed to maintain sufficient water depth in the lake and accused the former owners of installing a culvert that led to a buildup of silt that made some spots in the lake dangerously shallow.

In late 2013, Washington County District Judge James B. Kube dismissed the lawsuit, saying the former owners had not been responsible for maintaining the lake for years before the accident occurred. Kube also found that Nebraska's Recreation Liability Act shielded the Taylors and the association from liability.

Hodson appealed. On Friday, the Nebraska Supreme Court upheld the dismissal of the lawsuit against the former owners, saying they could not have reasonably foreseen any injury to Hodson.

However, the high court said the lower court was wrong to dismiss the case against the association and the Taylors.

Candidates' Petition Period Will Shift One Month Ahead

BY BOB MERCER
State Capitol Bureau

PIERRE — A variety of changes to South Dakota's elections law, including stiffer requirements for independent candidates and for any candidate to withdraw from the ballot, won passage Friday from the Legislature.

The House of Representatives voted 50-16 and the Senate 26-7 to approve the package.

The measure, SB 69, began as proposals from new Secretary of State Shantel Krebs and the state Board of Elections to provide an earlier window for candidates to circulate nominating petitions and to provide more time for court challenges of petition signatures.

But the bill gradually gathered further changes from Republican lawmakers in the Senate and the House. By the end, most Democrats opposed it while most of the Republicans supported it.

The bill went through six versions. It now goes to Gov. Dennis Daugaard for his review and his decision whether to sign it into law.

Among the changes made by the legislation:

- Candidates for state and county offices would be allowed to begin circulating nominating petitions for signatures on Dec. 1 before the election year. The current start is Jan. 1 of the election year;
- Candidates would need to submit those petitions no later than 5 p.m. on the first Tuesday of March. The current deadline is the fourth Tuesday of March;
- Candidates won't get leeway to submit petitions by registered mail sent before the deadline but then arrive after the deadline. That currently is allowed;
- The signature requirement for legislative candidates and county offices will be based on registered voters in the candidate's political party at the last general election. The current basis is

votes cast for the party's governor candidate in the last election;

- Candidates for the first time would face requirements to withdraw from the ballot, such as moving to a new district, or a doctor's signed statement that illness of the candidate or an immediate family member prevents the candidate from performing the duties; and
- Increasing the petition signature requirements for independent candidates at various levels.

The changes will make for greater difficulty for independent candidates, according to Sen. Bernie Hunhoff, D-Yankton.

"We're just asking for trouble," he said.

Hunhoff called it "just wrong" that it will be easier to resign from the Legislature than for a legislative candidate's name to voluntarily be removed from the ballot.

That's not how Sen. Alan Solano, R-Rapid City, sees it.

"I think we have accomplished good things with this bill," he said.

Solano disagreed that it will be harder for independents to be candidates.

He said independents would be on par with the requirements for Democratic and Republican candidates to gather signatures.

The 26-7 vote in the Senate for SB 69 broke largely along party lines.

It passed with the support of every Republican senator present and one Democrat, Jim Bradford of Pine Ridge. The other seven Democratic senators voted against it.

In the House, the vote also went mostly along party lines. All 50 yes votes came from Republicans. The no votes came from four Republicans and 11 Democrats.

The bill now goes to Gov. Dennis Daugaard for his consideration.

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