

\$4.3B State Budget Signed Into Law

PIERRE (AP) — Gov. Dennis Daugaard has signed a \$4.3 billion budget that gives extra state funding increases to education, state employees and health care providers despite having less money available to spend than previously expected.

Daugaard signed the budget for the upcoming fiscal year on Thursday. The Legislature voted last week to pass the measure, which includes roughly \$1.4 billion in general state spending, as the main run of this year's legislative session came to an end.

Republicans have praised modest spending hikes in essential areas despite less revenue than expected when the governor outlined his budget in December. Daugaard says the budget is fiscally sound while also funding key spending increases.

Democrats have said they would've liked to see more for education funding and a greater emphasis on higher education affordability.

Neb. Fracking Water Debated In Court

LINCOLN, Neb. (AP) — The Nebraska Oil and Gas Conservation Commission will not allow residents who live more than a half-mile radius from a proposed disposal site for a Sioux City injection well to testify at a public hearing.

The *Lincoln Journal Star* reports that about two dozen people and corporations qualify as interested parties, and will be allowed to testify before the three-member commission on March 24. Oil and Gas Director Bill Sydow said the commission is merely following the rules by blocking some people from testifying.

Terex Energy Corp. has an application before the commission to convert an unused oil well into an injection well to dispose of saltwater left over from hydraulic fracturing, also known as fracking.

Opponents are concerned about the effects a spill could have on ground and surface water, as well as increased traffic on roads to the site that are near schools.

Nebraska Debates State Gun Laws

LINCOLN, Neb. (AP) — Nebraska gun-safety activists say a proposal to eliminate city and county firearm ordinances in favor of statewide regulations would benefit the national gun lobby more than residents.

Senators heard testimony Thursday on a bill (LB289) that would impose statewide uniformity for gun and ammunition ownership, eliminating what gun-rights lobbyists call a confusing patchwork of local ordinances.

Sen. Laura Ebke of Crete says her bill would still allow communities to regulate where a firearm could be discharged.

Opponents say the bill slashes the ability of community leaders to protect citizens with their own gun ownership rules. The bill would allow for an individual or organization "adversely affected" by a local ordinance to sue the city or county that created it.

S.F. Man Attacked By Mob Of Teens

SIoux FALLS (AP) — Police in Sioux Falls say a 45-year-old man has reported that up to 30 teens severely damaged his car while trying to attack him.

Police spokesman Sam Clemens says the man reported that the incident happened after he caught his son and two friends smoking pot in his basement. The man asked the two teenagers to leave the house, but a fight among the man and his son's friends ensued.

The two teens left the area after police were called in. Clemens says the man went to move a vehicle out of the driveway after the officers left, and that's when the mob of 20 to 30 teenagers showed up.

Clemens says the teenagers used bats, clubs and bars to beat the car and smash its windows. The mob eventually dispersed.

Clemens says no arrests have been made, but police have identified suspects in the case.

Nebraska Legislature

Debate Over Motorcycle Helmets Revs Up

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska lawmakers revved up a new debate Thursday over the state's motorcycle helmet law with a fresh crop of senators who came into office due to term limits.

Senators who want to abolish the 1989 law said it infringes on a personal freedom, while its defenders argued it saves lives and helps contain Medicaid and insurance costs that would increase with more traumatic brain injuries.

Motorcyclist groups have tried for more than two decades to repeal the law without success, but came close in recent years with turnover in the Legislature.

In 2010, supporters of the repeal effort secured a 27-vote majority to force an end to a legislative filibuster, but failed to muster the 33 required. Last year, the came up eight votes short. This year ushered in 18 new senators, accounting for more than one-third of the Legislature.

The repeal measure before lawmakers this year would lift Nebraska's restriction on motorcycle helmets for riders who are at least 21 years old. Operators would still have to wear eye protection.

Sen. Dave Bloomfield of Hoskins said he introduced the measure as a matter of personal freedom. Bloomfield — who rode a dirt bike with a helmet around his farm in the 1970s — picked the measure as his priority bill. Nebraska had more than 97,000 licensed motorcycle operators last year.

The measure "reflects my strong



METRO CREATIVE GRAPHICS

belief that free Americans and free Nebraskans — adults — should be able to make decisions that affect their lives and do not interfere with the rights of others," Bloomfield said.

Sen. Kathy Campbell of Lincoln pointed to medical experts who testified at an earlier hearing that treatment for lifelong brain injuries costs an average of \$4.4 million.

"A large chunk of that cost falls onto society," Campbell said. "This is a societal issue. This is an issue that we as the Legislature need to take very seriously."

Sen. Robert Hilkemann, a podiatrist from Omaha, said he opposed the bill because of overwhelming medical research that shows helmet laws save lives. Hilkemann pointed to states like Florida, which have seen an uptick in injuries after repealing their helmet laws.

"There's been more injuries, there's been more death, there's been more pain and suffering," he said.

Supporters of repealing the helmet requirement argue that the state is losing tax revenue and tourism to states such as Iowa, Kansas and South Dakota, because riders often bypass the state. Among Nebraska's border states, only Missouri requires riders to wear helmets. Nebraska motorcyclists testified in a hearing last month that the state provides the most direct route to the world's largest motorcycle rally in Sturgis, South Dakota, but thousands of riders avoid Nebraska because of its helmet law. With an estimated 700,000 riders expected this year, they argued that Nebraska is losing millions in gas station and lodging business.

"It's economic development, it's tourism, and it's what Nebraska needs," said Sen. Tyson Larson, of O'Neill.

Sen. Mike Groene of North Platte chastised lawmakers for engaging in a "nanny state debate" with another law intended to protect people.

"When do we stop mandating to our neighbors what we think is best?" he said.

Medical and traffic-safety groups remain opposed to the bill, arguing that Nebraska already lacks services for residents with brain injuries, and eliminating the helmet requirement would only worsen the problem.

Half of all motorcyclists do not carry health insurance, and many who are severely injured end up in state-funded care programs, according to the Brain Injury Association of Nebraska.

The bill is LB31

With Eight Bills Left, Will Any See A Veto?

BY BOB MERCER
State Capitol Bureau

PIERRE — Gov. Dennis Daugaard said Thursday he signed 19 more pieces of legislation into law, leaving just eight on which he hasn't publicly disclosed his decisions.

Among those eight are two that deal with drainage issues. One would create nine river-basin districts for water management throughout South Dakota. The other establishes the availability of mediation services for drainage disputes.

Another pending is the \$7.50 youth minimum wage that was approved by the Legislature in the wake of voters increasing the state minimum wage to \$8.50 per

hour in the Nov. 4 election.

Three tax bills also remain on the undecided list. They include creation of a category for taxation of leased property, repeal of sales tax on VFW and American Legion baseball coaches' salaries and a change to municipal taxation of electricity service.

Two measures that change candidate and election laws also haven't received the final public word from the governor.

So far Daugaard hasn't issued a veto of any legislation from the 2015 session that ended its main run last Friday night.

Lawmakers are scheduled to return Monday, March 30, for their final day of the session to handle vetoes and

any new business that might demand immediate attention.

The bills that the governor announced Thursday said include:

- The current and next state budgets;
- Three scholarship programs for university and tech-institute students, including the first increase ever for the Opportunity scholarship that takes effect for fall 2015 freshmen;
- Two new circuit judges for Rapid City and Sioux Falls;
- Establishment of the state debt recovery center;
- Setting property tax levies for general education and special education;
- Aid for adult offenders in residential settings;

- More funding for eradication of mountain pine beetles;
- More aid for the Ross Shaft renovation at the Sanford underground research facility at the old Homestake mine in Lead;
- Record fee changes for the state court system;
- Autism insurance coverage;
- Protection for a deceased person's image;
- Stiffer penalties for protection order violations;
- Extra aid to community healthcare providers;
- Money for the Jobs for America's Graduates program; and
- Matching grants totaling \$350,000 for wildlife habitat enhancement.

Testimony Ends In Westboro Church Picketing Trial

By MARGERY A. BECK
Associated Press

OMAHA, Neb. — Testimony ended Thursday in a lawsuit challenging Nebraska's law requiring picketers to stay at least 500 feet from funerals.

Attorneys for Topeka-Kansas based Westboro Baptist Church and the state, Omaha Police Department and Douglas County District Attorney's Office completed presenting their evidence after three days of testimony.

The church protests at funerals across the country using anti-gay chants and signs because it believes God is punishing U.S. military members and others for defending a nation that tolerates homosexuality.

The church says the Nebraska law is selectively enforced and unconstitutionally infringes on its free-speech rights. It presented testimony that their members are often kept much farther from funeral services than counter-protesters, who are allowed to get as close as they want.

But attorneys for the state called several witnesses to try to show the law is needed to ensure public safety and prevent emotional harm to families and friends attending funerals.

That included the testimony Thursday of Dr. Scott Bresler, a forensic psychologist at the University of Cincinnati. Bresler said he interviewed 15 people in Nebraska closely related to fallen soldiers whose funerals were picketed by Westboro.

One mother of a slain soldier is haunted by the memory of a child among the picketers carrying a sign that said, "More Toe Tags," Bresler testified.

"She can't get that image out of her mind," he said.

Westboro member and attorney Margie Phelps-Roper countered that the urge to not inflict emotional pain is sometimes outweighed by a sense of duty, using Bresler's testimony in unrelated cases in which he found police officers not fit for duty.

"That may have caused some emotional distress for that person, but you were doing your duty, right?" Phelps-Roper asked. In the same way, she said, Westboro members believe they are following a duty to obey God by picketing at funerals.

She also noted that of the 46 Nebraska funerals Westboro has picketed, none have led to violent outbursts.

The state also called George Vogel, accused of targeting Westboro members at a Marine's 2010 Omaha funeral with bear mace. Vogel, a 67-year-old former Marine, testified Wednesday that he sprayed the mace from his moving vehicle in the hope of making picketers "go away." The mace hit no Westboro members, but others in the crowd. He was fined \$300 for misdemeanor assault and ordered to take anger management classes.

"I was feeling anger ... and resentment for their total disregard for the family and what they were going through," Vogel said. "For anybody to denigrate his sacrifice and his family's sacrifice ... makes me very upset."

Attorneys did not make closing arguments in the non-jury trial. Instead, each side will submit closing arguments in documents to the court over the next three months. U.S. District Judge Laurie Smith Camp will decide the case sometime after that.

CHI Health Considering Legal Action To Acquire Lots In Omaha

OMAHA, Neb. (AP) — The city of Omaha may seek eminent domain authority to acquire vacant lots for Catholic Health Initiatives' plans to build a \$35 million medical building.

The *Daily Nonpareil* reports that demolition has already begun, but the national health organization is battling real estate investor Bernard Morello over five vacant lots he has refused multiple offers for. The city is considering seeking eminent domain to forcibly acquire the properties.

Morello's property, which is surrounded by land that Catholic Health Initiatives owns, is in an area that developments show will be used as a parking garage.

"I'm a willing seller, but

they have to be able to pay the price," Morello said. He would not comment on what he thinks is a fair price for the property, which he has owned for more than 20 years. He says that the city is overstepping by considering eminent domain.

"We have worked diligently to try to secure the site in order to build this new health care center and provide necessary services to the community," said Don Mandel, regional director of real estate for Catholic Health Initiatives. "We've been unable to do that, so this is now the city's decision."

A medical group spokesman said the land is needed for the construction

of a 90,000-square-foot health care center in north Omaha. The center, which would employ about 200 people, would house a medical clinic and have primary care physicians, specialists and 24-hour pharmacy and emergency departments. There would also be 60 outpatient exam rooms.

The Omaha Planning Board has given its support for eminent domain authority, and the city council will consider the matter in about a month.

City Planning Director James Thele says that using eminent domain to acquire the land would be a last resort, but he says the action would be justified.

The Public Is Invited To A Reception Honoring
Yankton's 2014 Citizen Of The Year

Ben Hanten



1:30 p.m. Saturday, March 28

Yankton Elks Lodge

A Special Program Begins At 2 p.m.

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This Special Event Brought To You By
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