

Neb. Lawmakers Advance Budget Bill

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. (AP) — Lawmakers gave first-round approval Thursday to Nebraska's main budget bill, following a drawn-out floor debate over spending and property taxes.

The bill covers the bulk of the proposed two-year, \$7.8 billion budget. It advanced on a 36-0 vote after nearly 16 hours of debate over two days.

Sen. Heath Mello, who heads the budget-writing Appropriations Committee, said the two-year average is similar to spending growth outlined in the governor's budget proposal and also is in line with the state's historical average.

Lawmakers rejected an attempt to add \$7.5 million in annual funding for a property-tax credit in the next two-year budget.

Sen. Ken Schilz, of Ogallala, said he introduced the amendment to address one of the biggest concerns among his constituents.

Opponents said the amendment would have diverted \$15 million from wind energy, a water study, child care subsidies and other bills. The amendment would have resulted in \$4.56 in tax relief for a home valued at \$100,000, said Sen. Danielle Conrad, of Lincoln.

The measure passed Thursday is the largest of five bills that are part of the state's overall spending plan. It includes funding to keep state agencies, programs and the University of Nebraska in operation.

Much of Thursday's debate focused on funding for small, specific budget items, including a home-visitation program for nurses and a railroad inspector job that hasn't been filled in years. Lawmakers are required to ap-

prove a two-year budget before they adjourn for the year.

This year's plan, advanced by the Appropriations Committee, would spend \$3.8 billion in the fiscal year that begins July 1, and another \$4 billion in the following year. State spending would grow by an average of 5.2 percent annually.

Sen. Bill Kintner of Papillion, who sits on the committee, said he considered the budget "bloated" but voted for it because he believed it was the best the Legislature could do.

"I guess we've learned that we can't cut so much as one penny from the budget," he said. "We can't spare a penny ... and then we find out we can't even offer a dime in tax relief."

The bill is LB195

Pierre Man Charged In Death Of Son

PIERRE (AP) — A 29-year-old Pierre man has been charged with second-degree manslaughter in the death of his two-month-old son. KCCR reports that no bond has been set for Garfield Good Face. He is currently being held at the Hughes County Jail.

Pierre Police Captain Elton Blemaster says officers received a call of an unresponsive infant about 9:30 a.m. Thursday. When officers arrived to Good Face's home, they began CPR on the child. The child was pronounced dead after being transported to a hospital.

The cause of the death has not been determined. Blemaster says an autopsy has been ordered.

The investigation is continuing.

Charity Giving Class To Feature Buffett, Ripken

OMAHA, Neb. (AP) — A new online course featuring investor Warren Buffett and baseball great Cal Ripken Jr. as speakers will teach the art of philanthropy by letting students give.

Students in the class will be able to recommend a charity to receive all or part of a \$10,000 grant from the charity Warren Buffett's sister, Doris Buffett, runs.

Alex Buffett Rozek, who runs the Learning by Giving Foundation, says this may be the first of many online sessions of the class. But he wants to see how the first session goes.

The "Giving With Purpose" online class that will be offered this summer is patterned after courses that are already taught at a couple dozen universities in connection with Doris Buffett's charity.

Students can register online at <http://www.learningbygivingfoundation.org>.

Inmate Sues Neb. Corrections Over Drawings

LINCOLN, Neb. (AP) — An inmate is suing Nebraska's corrections agency over the confiscation of pencil drawings that depict nudity and sex acts.

Christopher Payne filed a lawsuit last month in Lancaster County District Court against the state Department of Correctional Services. He claims officials at Tecumseh State Correctional Institution violated his constitutional rights by taking 11 pencil drawings from his cell between October and January.

The *Lincoln Journal Star* reports the 34-year-old Payne says he thought his drawings were a legitimate form of artistic expression.

The corrections agency's policy on hobbies bans artwork depicting nudity, sex acts, violence, bondage, sadomasochism, bestiality and acts of degradation.

The newspaper reports that corrections officials did not respond to a request for comment on the policy.

Tentative Agreement Reached On Neb. Water Releases

LINCOLN, Neb. (AP) — Nebraska will stop releasing water into Kansas now that the states have reached a tentative agreement on Kansas' future access to water from the Republican River, state officials said Thursday.

The Nebraska Department of Natural Resources announced that the releases into north-central Kansas will end, which will give Kansas more access to water later this summer and in future years.

In exchange, the Kansas Bostwick Irrigation District has said

its use of the water will not hinder Nebraska's efforts to comply with the Republican River Compact, a 1943 water-sharing agreement among Colorado, Kansas and Nebraska. The dispute over the Republican River's water has led to two lawsuits between Kansas and Nebraska.

In January, Nebraska limited the amount of water that upstream users can keep to make sure enough flows downstream into Kansas as part of the compact. That decision required surface water users to release water

that they might otherwise use to grow crops.

Recently, Kansas officials had expressed interest in Nebraska holding back water for their use in the event of a future drought.

Water releases began last week at the request of the Nebraska Department of Natural Resources, after talks with Kansas stalled. The department requested the release to avoid a violation of the compact, which requires the state to store and release specific amounts of water for use by Kansas.

"I hope this is the start of finding common ground on water management solutions in the Republican River Basin so all water users in the basin may benefit," said Brian Dunnigan, the department's director.

The agreement between Nebraska and the Kansas Bostwick Irrigation District will be made permanent in a contract written by the United States Bureau of Reclamation, which operates the reservoir. It must be finalized by Friday or the water releases will continue.

Planting

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down. I do know we are in way better shape than six weeks ago," he said. "I don't think any (farmers') plans have changed yet. Again, favorable weather next week will get most (of them) back on track."

The planting date doesn't necessarily indicate the success or failure of a crop, Reppening said.

"Last year, planting was done early, and that didn't work out real well," he said, referring to searing heat and historic drought.

Those sentiments are backed up by recent history, according to agronomist Nathan Mueller with South Dakota State University.

Mueller has charted final corn yields for the last eight years in South Dakota against planting progress as of May 1. He advises farmers to take comfort in the fact that planting delays don't signal "game over" when it comes to final harvest.

"It appears planting progress will be starting a little later this spring," he said. "However, South Dakota planting progress by the first week in May is not predictive

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NATHAN MUELLER

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The highest average yield was recorded in 2009 when only about 10 percent of the state's corn was planted by May 1. The lowest average yield was recorded last year when approximately 57 percent of the corn crop was planted by May 1 before drought conditions took a toll.

U.S. Department of Agriculture (USDA) data shows South Dakota's planting progress by the first week of May from 2005-12 has averaged about 25 percent. However, it has ranged from a low of 2 percent in 2011 to a high of 57 percent in 2012.

South Dakota farmers have demonstrated they can plant a significant number of acres from early- to mid-May. For example, 71 percent of corn acres were planted between the May 1 and May 22 planting progress reports in 2011.

The Yankton region has seen extremes in weather only one

year apart, Mueller said.

"Last spring was one of the warmest springs on record, and March and April planting progress in 2012 was way above norm," he said. "You go to this year, and we have one of the coolest Marches and Aprils on record."

The wide variations show once again why farmers shouldn't adhere to a strict planting timetable, Mueller said.

"There are no rigid deadlines where corn needs to be planted by May 10 or you will have lost yields after that," he said. "The soil temperatures and soil climates, that's where early growth is set."

According to the SDSU state climate office, Wednesday's soil temperature in southeast South Dakota stood at 53 degrees at a depth of 4 inches.

While soil temperature may be improving, the subsoil moisture remains lacking in many areas, Schwartz said.

"We didn't lose any of the re-

cent rains, as it actually went into the ground," he said. "I think it looks very promising, but we need timely rains this year because we are without that subsoil moisture."

Because of the lack of subsoil moisture, southeast South Dakota and northeast Nebraska remain in drought, Mueller said. The region was recently upgraded from D4 (exceptional) drought, the worst category, to D3 (extreme) drought.

"We would have to be in excess of normal rainfall to be able to replenish the soil," he said.

The region made great strides in April and continued to receive additional precipitation this week, according to the National Weather Service.

Parkston received 1.1 inches this week, Marion about an inch and Gayville about 0.75. Centerville, Tyndall and Parker received .30-.35 inch. Yankton, Pickedston, Dante and Hurley received lesser amounts.

According to South Dakota state climatologist Dennis Today, the region still runs a moisture deficit of 2 to 4 inches below average, Mueller said.

"Ideally, it would be nice to have a break in the rainfall and get the crops in," Mueller said. "But if you talk to farmers, they're not going to turn away rainfall, especially after what they experienced last year."

With warmer temperatures on the way, area farmers are anxious to get into the fields, Schwartz said.

"They seem to be rarin' to go," he said.

You can follow Randy Dockendorf on Twitter at twitter.com/RDockendorf

Man Appeals Life Sentence In Shooting

OMAHA, Neb. (AP) — The Nebraska Supreme Court will hear arguments in the appeal of an Omaha man given life in prison for the gang-related shooting death of a 20-year-old man.

Trevelle Taylor was 17 when prosecutors say he shot Justin Gannes to death in 2009. He was sentenced after turning 18 in 2010 to life in prison. While the words "life without parole" do not appear in his sentence, the sentencing judge set no discharge date for Taylor "until the Pardons Board of the State of Nebraska commutes the sentence or offers a specific term of years."

The now 21-year-old Taylor's attorney says that amounts to a life sentence without parole and cited a U.S. Supreme Court ruling last year declaring mandatory life-without-parole sentences for juvenile killers unconstitutional.

Iowa Close To New Record For No Tornadoes

DES MOINES, Iowa (AP) — Iowa is close to breaking a state record for the longest stretch without a reported tornado.

The National Weather Service says as of Wednesday, it's been 349 days since a tornado touched down in the state. The last recorded tornado was on May 24, 2012, in Fayette County.

The current state record is 355 days, set between May 5, 1955, and April 26, 1956. The record would be tied on Tuesday and broken on Wednesday.

Officials call the streak impressive because digital technology and spotter networks today are so comprehensive. There was a greater likelihood back in the 1950s for a tornado to occur without being reported.

Officials say the threat of severe weather appears minimal through early Tuesday. There is a chance of thunderstorms late Tuesday.

Campaign Gathering Signatures On Gun Bill

LINCOLN, Neb. (AP) — Nebraska Sen. Charlie Janssen's gubernatorial campaign is gathering signatures to rally support for a guns bill that has stalled in the Legislature.

The campaign sent an email Thursday to supporters, urging them to contact members of the Legislature's Judiciary Committee, where the bill has failed to advance.

Janssen, a Republican from Fremont, has said he modeled his bill after legislation introduced in Wyoming. The campaign says it has collected more than 5,000 signatures so far.

The bill was one of several gun-related measures heavily questioned during a committee hearing in March. Sen. Ernie Chambers of Omaha called the bill "preposterous," saying it focused on non-existent problems while trying to trump federal law.

The bill is LB451

OBITUARIES

JoAnn Mulder

JoAnn C. Mulder, 80, of Yankton, died Tuesday, May 7, 2013, at Avera Sister James Care Center in Yankton.

Funeral services will be 2 p.m., Saturday, May 11, 2013, at Riverview Reformed Church in Yankton with Reverend Rodney Veldhuizen officiating. Burial will be in Vangen Lutheran Cemetery in Mission Hill.

Visitation is from 5-8 p.m. on Friday, May 10, 2013, at the Wintz & Ray Funeral Home with a prayer service at 7 p.m. officiated by Reverend Lance Lindgren.

Pallbearers are Nick Peterson, Eric Peterson, Kris Peterson, Tom Folkers, Ryan Olson, and Tim Williams. Honorary pallbearers are all of her other grandchildren.

JoAnn C. Mulder was born August 21, 1932, in Yankton to Clarence and Hilda (Bruget) Hanson. She grew up in Mission Hill and graduated from Gayville-Volin High School in 1950. She married Larry Peterson on November 11, 1951, at Vangen Lutheran Church in Mission Hill. Together they raised their family in Yankton. Larry died in 1986 and on November 23, 1990, JoAnn married Peter Mulder.



Mulder

including trips within the United States and overseas.

JoAnn bowled for the Elk Bowling League and was very active in Vangen Lutheran Church and the Elks Lodge. She enjoyed golfing at Hillcrest Country Club, watching her grandchildren play sports, and loved to bake. She loved being in the kitchen cooking for friends and family. She always knew what everyone wanted and would always make it for them when they would come home. She also enjoyed making lefsa. She loved politics and enjoyed having good political conversations. She had a big heart and always wanted to take care of others and wanted to make everyone happy. She loved being a wife, mom, and grandmother to all.

Survivors include her husband, Peter Mulder of Yankton; four children: Steven (Cheryl) Peterson of Willis, Texas; Linda (Doug) Folkers of Yankton; Don

(Mary) Peterson of Keystone, South Dakota; and Carol Williams of Sunburst, Montana; 23 grandchildren; 30 great grandchildren; brother: Dick (Norma) Hanson of College Place, Washington; four step-children: Bill (Jan) Mulder of Mitchell, South Dakota; Dianne (Dave) Selchert of Yankton; Bev (Dwight) Bordewyk of Parkston, South Dakota; and Janice (Glenn) Geracts of Mitchell, South Dakota and many nieces and nephews.

She was preceded in death by her parents; first husband, Larry Peterson; daughter, Julie; and brother, Warren Hanson.

T.Y.G. Memorials may be directed to the Parkinson's Research Foundation or to a charity of your choice.

To post an online sympathy message, please visit wintzrayfuneralhome.com.

Yankton Press & Dakotan
May 10, 2013



Online condolences at:
www.wintzrayfuneralhome.com

Clayton Kotab

Clayton Axel Kotab, 1, of Dante

A Celebration of the Life of Clayton Axel Kotab, one year old son of David and Ericka Kotab will be held at 1 p.m., Saturday, May 11, 2013 at the Dante City Park in Dante. Rosary/Wake services are 7 p.m., Friday at the Assumption Catholic Church in Dante.

Visitations will be the hour prior to wake and prior to funeral. In case of inclement weather, funeral would be moved to the Dante Auditorium.

Crosby-Jaeger Funeral Home in Wagner is in charge of arrangements. Clayton died Wednesday,

May 8, 2013 at the Sanford Children's Hospital in Sioux Falls. He was born April 16, 2012. In lieu of flowers, memorials are preferred.

James Watembach

James E. Watembach, 68, of Yankton passed away Thursday, May 9, 2013 at the Avera Yankton Care Center, Yankton. Memorial Services will be at 2:30 p.m., Monday, May 13, 2013 at St. Benedict Catholic Church, Yankton with Rev. Ken Lulf officiating. Private family burial will take place.

Visitations will begin at 6 p.m., Sunday, May 12, 2013 at the Opsahl-Kostel Funeral Home and Crematory, Yankton with a 7 p.m.

rosary followed by a 7:30 p.m. Scripture service. Visitations will resume one hour prior to the service at the church.

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Penn Disagrees With Selection Of Sioux City Casino

SIoux CITY, Iowa (AP) — The owner of the Argosy Sioux City riverboat casino says Iowa gaming regulators violated rules and ignored improprieties when it awarded another company a license to build a land-based casino.

Penn National Gaming Co. said in a letter Wednesday that it is exercising its right under Iowa law to ask a state regulatory body to reconsider the decision last month by the Iowa Racing and Gaming Commission, the *Sioux City Journal* reported.

Penn claims the commission violated state law and Argosy's rights to due process. It also said the commission ignored deficiencies and improprieties in Sioux City Entertainment's application to build a Hard Rock-branded casino.

Penn said the commission selected a proposal that burdens local and state taxpayers. They said Sioux City Entertainment's application includes a request for \$22 million in tax-increment financing from the city, while Penn

is fully funded.

The commission selected the Hard Rock casino in a 3-2 vote on April 18. Penn submitted proposals for a Hollywood-themed casino either downtown or at a rural site. Ho-Chunk Inc. put in a bid to build the proposed Warrior Casino & Hotel.

In the letter, Penn attorney Mark Weinhardt described the commission's decision as unprecedented in the history of U.S. gaming and a "de facto revocation" of the Argosy's license.

"There is no other rational conclusion to draw from these circumstances other than that the commission's action is

arbitrary and capricious, not supported by the facts, and contrary to Iowa law and the U.S. and Iowa constitutions," he said in the letter.

Commission administrator Brian Ohorilko said gaming officials are reviewing Penn's letter.

"We'll take a look at the letter and review the applicable rules and laws and try to make a determination as to what the next step should be," he told The Associated Press.

The Argosy riverboat casino will keep operating until the completion of the Hard Rock casino, which is expected to open in July 2014.

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