

The Press & Dakotan

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OPINION

A Good Deal For Yankton, B-Y Water

The deal agreed to last week between the City of Yankton and B-Y Water is a triumph of common sense over a short-sighted federal law that effectively hemmed Yankton in to static boundaries and impacted its ability to grow.

It's also a victory for both the city and the water provider, who can now function practically as partners in some cases to determine the best course for development around the growing Yankton area.

Technically, it could be said the two sides were locked in a stalemate for years over providing water service to territories growing just outside the city limits of Yankton.

But in truth, B-Y Water held the upper hand in the scenario for years, thanks to a rigid federal law, 7 U.S.C. §1926(b), that protected rural water organizations that had been awarded loans from the U.S. Department of Agriculture in order to provide water service in areas classified as low income. A stipulation of the law mandates that no other water system or municipality could provide water service that infringed on the territory accorded to the rural water district out of fear that such intercession could hurt the district's ability to pay off its USDA loans.

Thus, B-Y and the city were at loggerheads, which even resulted in the water provider suing the city in 2007. In the suit, B-Y claimed its jurisdictional territory included all of Yankton County except for the Yankton's municipal boundaries as they existed prior to the water district's formation in 1977.

Seeing the handwriting on the wall, the city was forced to settle the lawsuit in 2008 by agreeing that B-Y had the right to provide water to any customer outside of the city limits. In other words, the city basically had no legal leg to stand on.

The law read one way, but common sense said something else.

For Yankton to grow, it has to be able to ensure that it can annex territory and ensure that water service is available. Under the new agreement, Yankton can provide water service to annexed areas until such time that B-Y Water can or chooses to provide that service.

This opens a big door for Yankton. It allows the city to expand and address its housing problem. The Westbrook Estates project, which can now proceed along West City Limits Road, is a first step in that direction.

"Going forward, I believe this means we have jumped a hurdle that has hindered growth in the past," City Manager Amy Nelson told the Press & Dakotan last week. "This is a new era for development opportunities in and around Yankton."

It could also provide a lot of opportunity for B-Y Water to expand its customer base as more development comes online in the years ahead. It's the realization of something Dan Specht, a real estate developer who was instrumental in negotiating this, said in his capacity as a city commissioner after the 2008 settlement: The bottom line is, if Yankton doesn't grow, B-Y doesn't grow. It's a hand-in-hand thing."

When Yankton settled the B-Y lawsuit in 2008, it was surely a bitter pill for some city officials — one city commissioner at the time suggested B-Y was trying to "bankrupt" Yankton — but it was seen as a good-faith gesture with hopes of turning what had become occasionally an acrimonious relationship into something more cooperative and sensible, not rigidly defined by a law that did not reckon on the consequences of protecting a federal investment. This new pact may actually be the fruits of that gesture, and it should serve both sides well moving forward.

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OUR LETTER POLICY

The **PRESS & DAKOTAN** invites its readers to write letters to the editor. We ask that a few simple guidelines be followed:

- Please limit letters to 300 words or less. Letters should deal with a single subject, be of general interest and state a specific point of view. Letters are edited with brevity, clarity and newspaper style in mind.
- In the sense of fairness and professionalism, the **PRESS & DAKOTAN** will accept no letters attacking private individuals or businesses.
- Specific individuals or entities addressed in letters may be given the opportunity to read the letter prior to publication and be allowed to answer the letter in the same issue.
- Only signed letters with writer's full name, address and daytime phone number for verification will be accepted. Please mail to: Letters, 319 Walnut, Yankton, SD 57078, drop off at 319 Walnut in Yankton, fax to 665-1721 or email us at kelly.hertz@yankton.net.

IN HISTORY

By The Associated Press

Today is Tuesday, May 19, the 139th day of 2015. There are 226 days left in the year.

Today's Highlight in History: On May 19, 1935, T.E. Lawrence, also known as "Lawrence of Arabia," died in Dorset, England, six days after being injured in a motorcycle crash.

On this date: In A.D. 715, Pope Gregory II assumed the papacy.

In 1536, Anne Boleyn, the second wife of England's King Henry VIII, was beheaded after being convicted of adultery.

In 1780, a mysterious darkness enveloped much of New England and part of Canada in the early afternoon.

In 1913, California Gov. Hiram Johnson signed the Webb-Hartley Law prohibiting "aliens ineligible to citizenship" from owning farm land, a measure targeting Asian immigrants, particularly Japanese.

In 1924, the Marx Brothers made their Broadway debut in the revue "I'll Say She Is."

In 1943, in his second wartime address to the U.S. Congress, British Prime Minister Winston Churchill pledged his country's full support in the fight against Japan.

In 1958, British actor Ronald Colman died in Santa Barbara, California, at age 67.

In 1962, actress Marilyn Monroe sang "Happy Birthday to You" to President John F. Kennedy during a Democratic fundraiser at New York's Madison Square Garden.

In 1973, Secretariat won the Preakness Stakes, the second of his Triple Crown victories.

In 1981, five British soldiers were killed by an Irish Republican Army landmine in County Armagh, Northern Ireland.

In 1992, in a case that drew much notoriety, Mary Jo Buttafuoco of Massapequa, New York, was shot and seriously wounded by her husband Joey's teenage lover, Amy Fisher. Vice President Dan Quayle sparked controversy by criticizing the CBS sitcom "Murphy Brown" for having its title character, played by Candice Bergen, decide to have a child out of wedlock.

In 1994, former first lady Jacqueline Kennedy Onassis died in New York at age 64.

Ten years ago: Republicans and Democrats tangled over President George W. Bush's judicial nominees and the Senate's filibuster rules, with Demo-

crats accusing Bush of trying to "rewrite the Constitution" and Republicans accusing Democrats of "unprecedented obstruction."

Five years ago: President Barack Obama condemned Arizona's crackdown on illegal immigration and pushed instead for a federal fix he said the nation could embrace, showing solidarity with his guest of honor, Mexican President Felipe Calderon, who called Arizona's law discriminatory. Rioters in Bangkok torched the stock exchange and other landmark buildings after a deadly army assault on an anti-government encampment ended a two-month siege.

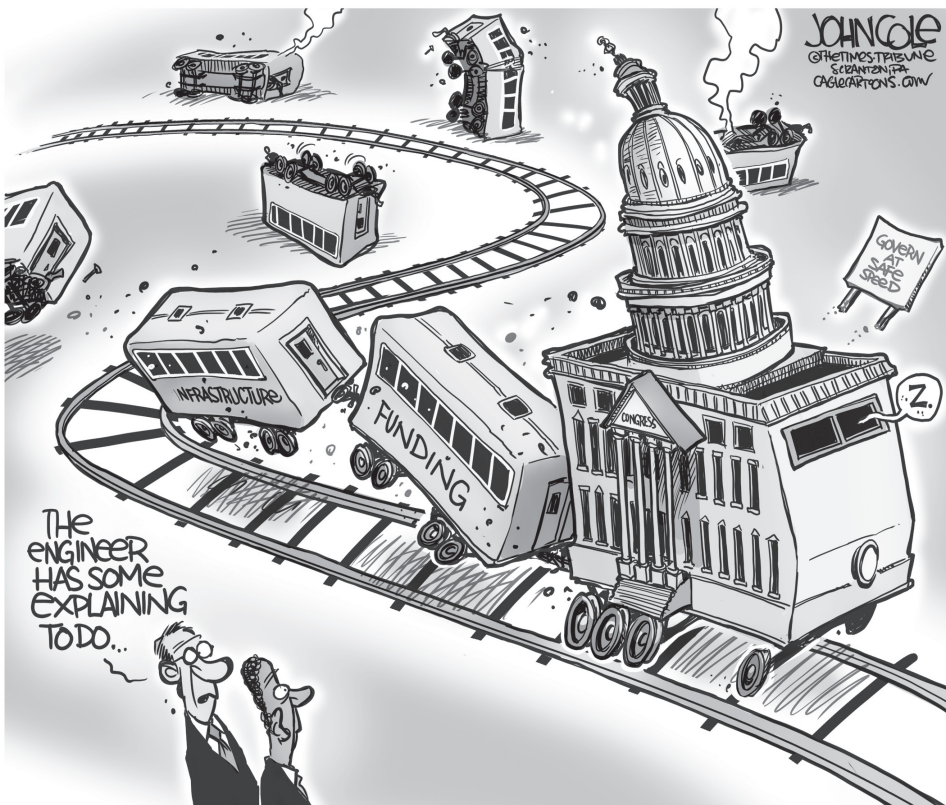
One year ago: The U.S. charged five Chinese military officials with hacking into U.S. companies' computers to steal vital trade secrets, intensifying already rising tensions. A federal judge threw out Oregon's same-sex marriage ban that had been approved by voters. April Jace, the wife of actor Michael Jace, was shot to death in their Los Angeles home; Michael Jace has pleaded not guilty to murdering her. Lucy Li, at age 11, became the youngest player to qualify for the U.S. Women's Open by winning the sectional qualifier at Half Moon Bay in California.

Today's Birthdays: PBS newscaster Jim Lehrer is 81. TV personality David Hartman is 80. Actor James Fox is 76. Actress Nancy Kwan is 76. Actor Peter Mayhew is 71. Rock singer-composer Pete Townshend (The Who) is 70. Concert pianist David Helfgott is 68. Rock musician Dusty Hill (ZZ Top) is 66. Singer-actress Grace Jones is 63. Rock musician Phil Rudd (AC-DC) is 61. Actor Steven Ford is 59. Actress Toni Lewis is 55. Rock musician Iain Harvie (Del Amitri) is 53. Actress Polly Walker is 49. Actor Jason Gray-Stanford is 45. Gospel singer Israel Houghton is 44. Rock singer Jenny Berggren (Ace of Base) is 43. TV personality Kim Zolciak (TV: "Real Housewives of Atlanta") is 37. Country/rock singer Shooter Jennings is 36. Actor Drew Fuller is 35. Christian rock musician Tim McTague is 32. Rock musician James Richardson (MGMT) is 32. Actor Eric Lloyd is 29. Actor Nolan Lyons (TV: "Boardwalk Empire") is 14.

Thought for Today: "The most exciting happiness is the happiness generated by forces beyond your control." — Ogden Nash, American poet (born in 1902, died this date in 1971).

FROM THE BIBLE

I am the way, and the truth, and the life. No one comes to the Father except through Me. John 14:6. Portals of Prayer, Concordia Publishing House, St. Louis.



Obamacare Exchanges Are On Life Support

BY MICHELLE MALKIN

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At a recent White House science fair celebrating inventors, a Girl Scout who helped design a Lego-powered page-turning device asked President Obama what he had ever thought up or prototyped. Stumbling for an answer, he replied:

"I came up with things like, you know, health care."

Ah, yes. "Health care." Remember when the president's signature Obamacare health insurance exchanges were going to be the greatest thing since sliced bread, the remote control, jogger strollers, Siri, the Keurig coffee maker, driverless cars and Legos all rolled into one?

The miraculous, efficient, cost-saving, innovative 21st-century government-run "marketplaces" were supposed to put the "affordable" in Obama's Affordable Care Act. Know-it-all bureaucrats were going to show private companies how to set up better websites (gigglesnort), implement better marketing and outreach (guffaw), provide superior customer service (belly laugh), and eliminate waste, fraud and abuse (LOLOLOL).

You will be shocked beyond belief, I'm sure, to learn that Obamacare exchanges across the country are instead bleeding money, seeking more taxpayer bailouts and turning everything they touch to chicken poop.

Wait, that's not fair to chicken poop, which can at least be composted.

"Almost half of Obamacare exchanges face financial struggles in the future," The Washington Post reported last week. The news comes despite \$5 billion in federal taxpayer subsidies for IT vendors, call centers and all the infrastructure and manpower needed to prop up the showcase government health insurance entities. Initially, the feds ran 34 state exchanges; 16 states and the District of Columbia set up their own.

While private health insurance exchanges have operated smoothly and satisfied customers for decades, the Obamacare models are on life support. Oregon's exchange is six feet under — shuttered last year after government overseers squandered \$300 million on their failed website and shady consultants who allegedly set up a phony website to trick the feds. The FBI and the U.S. HHS inspector general's office reportedly have been investigating the racket for more than a year now.

In the People's Republic of Hawaii, which has been a "trailblazer" of socialized medicine for nearly four decades, the profligate state-run exchange demanded a nearly \$30 million cash infusion to remain financially viable after securing \$205 million for startup costs. The



Michelle MALKIN

Hawaii Health Connector accidentally disconnected hundreds of poor patients' accounts and squandered an estimated 8,000 hours on technological glitches and failures. Enrollment projections were severely overinflated like a reverse Tom Brady scandal. After failing to secure a bailout, Hawaii announced this week that its exchange would be shut down amid rising debt.

In Maryland, a state audit found that its health insurance exchange "improperly billed the federal government \$28.4 million as former Gov. Martin O'Malley's administration struggled to launch what would become one of the most troubled websites in the nation," *The Baltimore Sun* reported in late March. That's in addition to the \$90 million the state blew on technical problems. The state scrapped its junk website and forced enrollees to resubmit to the tortuous sign-up process all over again.

Last week, federal prosecutors subpoenaed the Massachusetts Obamacare exchange after whistleblowers there exposed what a "technological disaster" its "Health Connector" program was. Boston's Pioneer Institute senior fellow in health care, Josh Archambault, released a report on Monday detailing the "complete incompetence" of the state's health bureaucrats from Day One. But taxpayers would be lucky if incompetence were the only sin.

After firing the tech boneheads of CGI, the same company behind the federal healthcare.gov meltdown, Massachusetts officials "appear to have lied to the federal government to cover up mistakes" made by both the state and the IT company. "In at least two instances we uncovered," Archambault revealed, what the state told the feds "was either in direct conflict with internal audits or highly improbable given what was being said in the audit and what whistleblowers said was happening at the time."

As health care analyst Phil Kerpen of the free market group American Commitment points out, Massachusetts "already had a functioning state health exchange" but "after receiving \$179 million from federal taxpayers" to reconstitute it under Obamacare, "they were able to break that existing exchange beyond repair." An amazing feat.

Lesson for inventive Scouts and students wondering about what people in Washington, D.C., prototype: Government bureaucrats don't make things, kids. They break things.

Michelle Malkin is author of the new book "Who Built That: Awe-Inspiring Stories of American Tinkerpreneurs." Her e-mail address is malkinblog@gmail.com.

LETTERS TO THE EDITOR

Let's Pause A Moment

Cheri Loest, PE, Utica

There has been a lot of positive talk about Yankton County and the City of Yankton creating their own rail authority. Has anyone considered the negatives?

- Redundancy. Yankton County is already a welcomed member of the Napa Platte Rail Authority (NPRA). Yes, we need to finish the paperwork to be "officially" a member. However, the two counties to our west have overwhelmingly stated they appreciate working with Yankton County through this board and believe it is in the best interest of the REGION for our county to continue participating on the board. I agree entirely. During the public meeting, it appeared as if there had been little to no conversation between the Yankton Commissioners and the Napa Platte members. How sad.
- Many speakers spoke highly about the

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