

Proposal To Open Game Fish Spearing

PIERRE (AP) — A state hunting regulatory commission is proposing to open up game fish spearing statewide. The proposal from the South Dakota Game, Fish and Parks Commission is in response to a petition submitted by spearfishermen. The group will evaluate whether to adopt the proposal at its meeting next month in Forth Pierre. The proposal calls for allowing spearing and bowfishing of all game fish species, except paddlefish and sturgeon, in all inland waters. John Loft is a state administrative chief for fisheries. Loft says that under that proposed rule, spearing and bowfishing could occur in urban fisheries, small impoundments, trout streams and large lakes and reservoirs. The proposal also suggests establishing a year-round game fish spearing and bowfishing season. The current season runs from June 15 through March 15.

Jury Selection Starts Guard Slaying Case

SCOTTSBLUFF, Neb. (AP) — Jury selection has begun in the trial of a Wyoming teenager accused of killing a Scotts Bluff County jailer. Potential jurors met Friday in the Scottsbluff Elks Lodge, The Scottsbluff Star-Herald reported. Scotts Bluff County Sheriff Mark Overman said the lodge was being used because a large jury pool had been chosen for the case. "There is a lot to it," Overman said. "There are a lot of questions asked by the attorneys and the judge only wants to do it once. Because of that, we needed a bigger venue than the courtroom."

Dylan Cardeilhac of Torrington, Wyoming, has pleaded not guilty to first-degree murder in the death of 24-year-old corrections officer Amanda Baker at Scotts Bluff County Detention Center. The 16-year-old is charged as an adult. He's accused of strangling Baker on Valentine's Day so he could steal her keys and try to escape. Baker died two days later at a hospital. Opening statements in the case are expected to begin Monday at the Scotts Bluff County Courthouse. If convicted, Cardeilhac could face life imprisonment. Cardeilhac was being held in the detention center in Gering, just east of the Wyoming border, on charges of armed robbery and use of a weapon in a December convenience store robbery. In May, he was given eight to 15 years in prison for that crime. Jail security video shows Cardeilhac talking Baker into checking something on his cell floor and then pouncing on her when she turned her back, according to an arrest affidavit.

Cigar Bars Lose Smoking Ban Appeal

LINCOLN, Neb. (AP) — No-smoking signs soon may be going up at Nebraska's cigar bars and tobacco retailers. The Nebraska Supreme Court decided not to reconsider Wednesday its August ruling that threw out cigar bar exceptions to the state's indoor smoking ban, the *Lincoln Journal Star* reported. The case began when the owner of Omaha pool hall Big John's Billiards sued after Nebraska enacted a statewide public smoking ban in 2009. The law provided exceptions for cigar bars, some hotel rooms and tobacco-only retailers. The court said in August that exceptions for cigar bars and tobacco retailers amounted to unconstitutional special legislation and didn't conform to the purpose of the ban, "which is to protect the public and employees from the dangers of secondhand smoke." The court spared the exception for designated hotel guestrooms, saying those were akin to private homes. The Nebraska Attorney General's Office subsequently asked the court to rehear the case, arguing in part that the judges failed to properly consider lawmakers' intent to protect cigar bars and tobacco shops from going out of business. The high court decided in September to let a group of eight cigar bars and tobacco shops submit a brief with arguments for keeping the exemptions. As those businesses awaited an answer, the state liquor commission allowed smoking. Now, the bar owners must consider how to handle any loss of business.

SD Judge Rejects Motion To Dismiss Gay Marriage Case

BY KEVIN BURBACH
Associated Press

PIERRE — A federal judge on Friday allowed a lawsuit challenging South Dakota's ban on gay marriage to move forward, rejecting the state's request to dismiss the case. However, U.S. District Court Judge Karen Schreier did dismiss the plaintiffs' claim that the state's ban on same-sex marriage violated the couple's constitutional right to travel. Minneapolis attorney Josh Newville filed the federal lawsuit on behalf of six same-sex couples from South Dakota in May. It challenges a 1996 state law passed by the Legislature and a voter-approved 2006 constitutional amendment banning gay marriage. It claims three violations that are guaranteed in the 14th Amendment to the U.S. Constitution: deprivation of equal protection,

due process and right to travel. Both sides argued their case on the motion to dismiss in Sioux Falls in October before Schreier, and the judge released her opinion late Friday. Newville said he considered the ruling "fantastic" and said the plaintiffs "wouldn't lose sleep" over the fact that the judge dismissed a portion of the lawsuit. "Obviously we would've liked the right to travel claim to stay in," he said, "but at its core this case was really about equal protection and due process." In a statement, Jackley said the ruling does not change the state's view of the case. "It remains the state's position that the institution of marriage should be defined by the voters of South Dakota, and not by the federal courts," he said. Earlier this week, the U.S. Supreme

Court denied a request from Kansas to prevent gay and lesbian couples from marrying while the state fights the issue in court. Separately on Wednesday, a federal judge also struck down South Carolina's ban on gay marriage as unconstitutional. The high court's ruling on Kansas was closely watched for whether justices would change their practice following last week's appellate ruling that upheld gay marriage bans in Kentucky, Michigan, Ohio and Tennessee. Those cases now are headed to the high court, meaning the gay marriage issue nationwide could be heard and decided by late June. In South Dakota, Newville said the state now has 10 days to reply to the plaintiff's motion for summary. After that, he said a timetable for when Schreier could rule is unclear.

Interim Panels Set Table For '15 Legislative Session

BY BOB MERCER
State Capitol Bureau

PIERRE — The 2015 session of the Legislature could get off to a faster start than usual because of the large amount of preparation already done by lawmakers and state officials. They might need all or most of the session's 39 working days, however, to deal with a massive package of taxes and fees for maintaining roads and bridges. Some topics that were too thorny to fully settle in the past now seem to be lined up for passage such as regulation of raw milk and wine sold directly to consumers. Other preliminary work is yet to be finished. Legislators are still considering whether to offer a new definition of agricultural land for property tax purposes. Another group organized by the governor has been looking at the use of capital outlay taxes by public schools. There's a task force still working on issues regarding the long-term flooding of private lands. There also will be reforms aimed at self-dealing by state employees.

Let's start with raw milk. Producers already can sell it directly to consumers, but both sides complain that state regulations are too restrictive in their emphasis on food safety. State Agriculture Secretary Lucas Lentsch assembled a work group that meets a fourth time Monday (Nov. 17). They're trying to merge behind possible changes such as a legal classification specifically for raw milk and creation of raw-milk producer permits. An interim committee has drafted a 10-page proposal for regulating and taxing direct shipments of wine into South Dakota. If approved the system would take effect Jan. 1, 2016. The same committee proposes allowing artisan distillers in South Dakota to sell small amounts of their spirits directly to retailers and wholesalers. The limit would be 1,000 gallons annually. The road and bridge package contains 13 pages of fee and tax changes that would send tens of millions of dollars in additional funding to state, county, city and township projects. Every existing tax or fee that goes to roads and bridges

would be adjusted in some fashion to produce more revenue, and some new ones would be added. One flash point already is a suggested 7-cents tax on dyed diesel fuel that is used for agricultural purposes off-road. The package came from an interim committee chaired by Sen. Mike Vehle, R-Mitchell. He needed clearance from the Legislature's Executive Board to submit it. The board reviews legislation to determine whether it is within the scope of the assignment given to the committee by the board. Rep. Isaac Latterell, R-Tea, signaled the difficulty that might await the package when he cast the only vote against allowing it to proceed. On Tuesday, a state task force headed by Sen. Larry Rhoden, R-Union Center, will discuss possible changes in the definition of agricultural land. The issue is significant in some places such as Pennington County where landowners work small tracts. The watershed task headed by Rep. Brian Gosch, R-Rapid City, meets Nov. 24 to consider possible legislation for the 2015 session.

Health Care Open Enrollment Begins Saturday

PIERRE (AP) — South Dakotans can begin shopping for insurance through the federal health exchange on Saturday as it enters its second year. Though last year's open enrollment window was widely considered a disaster because of technical problems with the federal website, Healthcare.gov, insurance companies and advocates anticipate Obamacare's second year will run much more smoothly for consumers. More than 13,000 South Dakotans signed up for individual private insurance through the federal exchange in last year's open enrollment period, according to official data released in April. Experts advise South Dakotans — even those who are satisfied with the coverage they purchased last year — to browse the marketplace website and update their personal and financial information to make sure their income, tax credit status or public program eligibility hasn't shifted since last year.



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