

# Senate OKs Obama Picks, Other Battles Brew

BY ALAN FRAM  
Associated Press

WASHINGTON — The Senate approved President Barack Obama's picks for top posts at the Federal Communications Commission and National Labor Relations Board on Tuesday, but the chamber approached showdowns over other nominees that were starting to revive the partisan rancor a similar fight ignited last summer.

By unanimous consent, senators approved campaign fundraiser and former lobbyist Thomas Wheeler as chairman of the FCC after Sen. Ted Cruz, R-Texas, ended a procedural blockade of the nomination. Cruz had complained previously that Wheeler had been unclear about whether the FCC could force non-profit groups to reveal information about political contributors. But Cruz said Wheeler told him at a meeting Tuesday that doing so was not a priority, so he ended his objections to Wheeler.

Wheeler, who has led both the Cellular Telecommunications and Internet Association and the National Cable Television Association, will now lead the agency that oversees the telecommunications industry. The last FCC chairman, Julius



Wheeler

Genachowski, announced his resignation in March.

The Senate also voted by unanimous consent to approve Michael O'Rielly to become an FCC commissioner. Obama picked O'Rielly, a longtime congressional aide, for a Republican seat on the five-member commission.

In a key roll call earlier in the day, senators voted 62-37 to end Republican delaying tactics against Richard Griffin, whom Obama nominated to be NLRB general counsel. Senators then confirmed the appointment on a near-party line 55-44 tally.

Senate Majority Leader Harry Reid, D-Nev., planned votes in coming days aimed at halting what he said were GOP roadblocks against five other nominations. The most controversial were Obama's picks of Patricia Millett to join the U.S. Court of Appeals for the District of Columbia Circuit, which was developing into a key flashpoint, and Rep. Melvin Watt, D-N.C., to head the Federal Housing Finance Agency.

Republicans said Reid and

Obama were trying to tilt the partisan balance of the D.C. appeals court's judges, now 4-4, toward Democrats with Millett's nomination. That court, which gets involved in many cases involving federal regulations, is considered by many to be the second most powerful federal court, behind only the Supreme Court.

"The majority leader and his allies are attempting to pack the court with judges who will rubber stamp their big government agenda," said Sen. John Cornyn of Texas, the Senate's No. 2 GOP leader.

Besides Millett, Obama has also nominated attorney and law professor Cornelia "Nina" Pillard and U.S. District Judge Robert Wilkins to fill the D.C. appeals court's three vacancies.

Cornyn said unless Millett was approved, Democrats were threatening anew to use the so-called nuclear option, or unilaterally changing Senate rules to make the minority party — currently Republicans — less powerful. He said Democrats want Republicans "simply to snap to attention and salute smartly. Well, it's not going to happen."

Cornyn said the D.C. appeals court is underworked and said he

would support moving some of its positions to other, busier federal court districts.

Asked by reporters if he would consider changing Senate rules if Millett was blocked, Reid said, "I'm not going to be talking about hypotheticals."

But New York Sen. Chuck Schumer, the No. 3 Senate Democratic leader, wouldn't rule it out in a brief interview, saying, "Have to see, have to see."

Millett, an attorney in private practice, has argued 32 cases in front of the Supreme Court and previously served as an assistant U.S. solicitor general under Presidents Bill Clinton, a Democrat, and George W. Bush, a Republican.

After months of Democratic accusations that Republicans were stalling Obama's efforts to fill key vacancies, the two parties reached a deal in July in which some GOP senators agreed to free several key nominees for votes. In exchange, Democrats agreed to drop a threatened effort to weaken the minority party's legislative powers.

As part of that deal, Obama removed Griffin as an NLRB board member, but he was to be given the general counsel slot, according to participants in that bargaining. The

general counsel, who holds a four-year term, investigates and prosecutes cases before the board.

Republicans said this week that they were opposing Griffin, a Democrat and longtime labor lawyer, because the NLRB has become too pro-union. The agency's general counsel investigates and prosecutes cases before the board.

Watt seemed a longshot to win approval. Obama wants him to head the housing agency that oversees Fannie Mae and Freddie Mac, the huge government-controlled companies that own or guarantee about half of U.S. mortgages. They say the longtime congressional veteran lacks the technical expertise to head the agency and won't be politically impartial, charges Democrats deny.

The Senate planned votes on other nominations this week, some of which have seen GOP opposition fade. All were expected to succeed. They were:

- Alan Estevez for a top Pentagon procurement job.
- Katherine Archuleta to lead the Office of Personnel Management, which helps oversee federal workers.
- Jacob Lew, the treasury secretary, to represent the U.S. at several international financial organizations.

## Auction

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not in the livestock industry can make cash donations to the fund.

Yankton Livestock is far from alone in holding roll-over auctions or similar fundraisers, Kuchta said. Numerous sale barns are helping West River producers who lost tens of thousands of cattle in four to five of snow.

"Every market that I know of is participating," he said.

The images of dead livestock being buried or hauled away in the blizzard's aftermath have struck a chord with producers, Kuchta said.

"When you see what some of those (West River) guys have to go through, they need the support," he said. "If somebody doesn't help them out, they won't be in business."

The livestock losses are devastating for many of the western South Dakota producers, with some ranchers losing nearly their entire herds, Kuchta said.

"Some of the guys had 600 bred heifers, and they rounded up only 30 that are left," he said.

The West River livestock losses will affect Yankton and the entire eastern part of the state, predicted Carmen Schramm, director of the Yankton Area Chamber of Commerce.

The impact will be felt in sale barns, packing plants and at the supermarket, she said.

"Many people don't understand how this (blizzard loss) affects all of us," she said. "Where there is that much devastation in the beef market, we feel it in the prices. I heard many of these (dead cattle) were bred heifers. You're talking not just the cow, but the calf, too, so the loss is compounded. I guess

what is happening out there (in West River) is entire devastation."

Schramm noted the tremendous outpouring of response, as seen on the Facebook page for the Ranchers Relief Fund.

"They had a whole list of auctions going on in Montana, South Dakota, Nebraska and Wyoming, trying to help raise funds," she said.

The Yankton Chamber's Agri-Business Committee plans to attend Friday's roll-over auction, Schramm said.

"There will be some of us there, supporting them that day and seeing what we can do to help," she said.

The roll-over auctions and the direct donation of replacement livestock represent acts of neighbors helping neighbors, Schramm said.

"People ask, 'Why should we care (about West River ranchers)? We're on the eastern side of the state,'" she said. "But if there was that kind of devastation on this side of the state, we would hope that somebody helps us out. At the same time, this impacts all of South Dakota and not just the western part."

Kuchta said he has heard a wave of support from area producers concerned about reaching out to their fellow ranching brethren.

"Everybody is really concerned about (the livestock losses) and feels sorry for them (in West River)," he said.

Kuchta strongly encourages interested people to attend Friday's roll-over auction or to send other donations to the sale barn. Yankton Livestock is located two miles north of Yankton, along U.S. Highway 281.

"Everyone is welcome Friday to come out and make a donation to the ranchers, and we will see that it gets to the right place," he said.

You can follow Randy Dockendorf on Twitter at [twitter.com/RDockendorf](https://twitter.com/RDockendorf). Discuss this story at [www.yankton.net/](http://www.yankton.net/).

## Windows

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"We consider it an investment," the superintendent said. "We pursued this project as part of energy efficiency. Aesthetically, it took years off the building and has brought new life to it."

The windows offer another advantage, allowing the proper lighting for today's whiteboards and computer screens, Alvey said.

"The rooms are conducive to technology," he said. "If you don't make the greatest use of your technology, you're missing opportunities."

The windows represent the latest phase of a long-range upgrade of facilities, Alvey said.

"It's part of a five-year capital improvement plan," he said. "The new track was installed four years ago, and we worked on the roofing (to our building) the last three years."

The younger students haven't been overlooked

when it comes to new facilities, the superintendent said. "We opened our new elementary building in 2005, and that has been a big improvement," he said.

In undertaking the window project, the Scotland district used the expertise of Yankton architect Jim Schramm, Kocer said. Schramm had worked with the window replacement in the North Complex residence halls at the University of South Dakota in Vermillion.

"With (Schramm's) experience in this area, we felt comfortable following his suggestions for the project," Kocer said.

In determining its facilities' needs, the Scotland district uses a building committee consisting of three board members and administrators, Alvey said. When it came to the windows and blinds, the district faced a small time frame for completing the project.

"We wanted to make sure that we got the work done between school years so there weren't any problems or disruption," the superintendent said. "The teachers

didn't want their rooms dismantled during the school year."

In order to keep the project on schedule, the district started planning a year ago, Alvey said. The bidding process began last fall, and bids were received in January and awarded in February.

"We used Interstate Glass of Mitchell, and they were on pace every day," he said. "On May 16, school was out. We started the window replacement project in early June, and the crew was done July 26. We were right on target with the dates. It took them less than two months for 50 windows to be replaced."

The workers tackled the project like clockwork, Kocer said. One crew removed windows from the outside, followed by another crew who installed the new windows.

The new windows were accompanied by new blinds, Kocer said. All of the work was finished before classes started Aug. 19.

The students and staff immediately noticed the difference, Alvey said.

"The kids felt the comfort level, and teachers

commented at a school board meeting that they were grateful we had done (the project)," he said.

"(The new windows and blinds) make the classrooms more comfortable and more appealing. It keeps the rooms cooler in the summer and warmer in the winter."

Visitors have also noticed the improvements, Kocer said.

"We have received many compliments on the new windows and the fact that they make the entire building look newer," he said. "Alumni who came over the summer commented on the school building and how it had improved aesthetically. The new windows give the building a younger appearance."

The Scotland district remains committed to maintaining its infrastructure, Alvey said.

"Our buildings are a priority," he said. "We are always trying to find ways to improve."

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## Value

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Kristi Noem, R-Castlewood, while she was a state legislator, and then-Sen. Jim Peterson, D-Revillo.

It would have allowed grasslands that had been in place at least 10 years to be valued as non-cropland regardless of the underlying soil types.

The legislation won approval 48-21 in the House of Representatives but, according to Peterson, was scrapped in the Senate because the Department of Revenue wanted to work on a solution.

Peterson, now a member of the House, serves on the task force and voted Tuesday to endorse Perman's proposal.

"I don't know if this bill can get anywhere in the House or the Senate. But I

think it deserves discussion in the taxation committee, so all parties can testify on the bill," Peterson said.

He explained that the 10-year qualifying period in the Noem bill was based on federal Conservation Reserve Program contracts that paid farmers to idle land in grass.

"We wanted the landowner to have a chance, that if he wanted to leave it in grass, it would be taxed as grass," Peterson said.

The task force set aside a different version of a grasslands-protection plan offered by Perman that would have set a 10-year minimum requirement to qualify and would have imposed penalties for landowners who didn't report a change from grassland to cropland.

"There's merit in both bills. I think the sword has to cut both ways," task force member and former legislator Paul Dennert, D-Abbeville, said. "There's good parts in both of them. I'd like to see them blended."

## Halloween

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supportive, with one commenter saying it was the best idea she had heard in a long time.

"There are so many positives to having trick-or-treating on a Saturday afternoon, such as safety, more quality family time celebrating a tradition that dates back many years and well-rested students at school who are ready to learn," Bruening said.

She acknowledged that some people may not like the idea of giving up the tradition of trick-or-treating on Halloween night.

"I understand change can be difficult, but very few things are the same as when we were kids," Bruening said. "When a well-intentioned suggestion for change presents a safer situation for the children of a community, then it is a good suggestion."

When contacted about the idea, Yankton Mayor Nancy Wenande said she is willing to look at new ideas about how to keep kids safer. Her children no longer participate in trick-or-treating, but she remembers well the years that they did.

"When my kids were younger, it was sometimes a battle to limit candy and get them to bed at a decent time knowing that they had to get up early for school," she said. "I cannot even imagine what the teachers have to

deal with on Nov. 1."

Police Chief Brian Paulsen said he could see the safety benefits of moving trick-or-treating to a weekend afternoon.

"On Halloween night, kids are still out after dark. They're jetting across the street from house to house rather than going down the sidewalks," he stated. "There is a risk involved just from the fact that they are excited and not paying attention to their surroundings. For the most part, drivers do a great job of understanding that in residential areas they need to slow down, but if it was on a Saturday during daylight, I think it would increase the children's safety."

The *Press & Dakotan* came across a couple communities in the nation that debated the topic this year. In Kewaskum, Wis., the Village Board chose to have Halloween trick-or-treating from 5-7 p.m. Saturday, Oct. 26.

The board had decided in September to hold it on Oct. 31, but a parent brought forth a petition asking that it be changed. The community had held trick-or-treating on the Saturday or Sunday before Halloween in the past.

In Dayton, Ky., the City Council did the reverse. The governing body had set trick-or-treating hours from 1-3 p.m. Sunday, Oct. 27. However, according to *The River City News*, Councilmember Cathy Volter made the motion at a later meeting to have trick-or-treating from 6-8 p.m. Oct. 31.

"Every city in Northern Kentucky is having it on Halloween evening," she said, adding that she had heard from a lot of residents upset with the plans to observe the holiday on Sunday.

The decision was helped by the fact that schools there will not be in session Friday, the day after Halloween, thus eliminating concerns about children not getting homework assignments done because of the festivities.

The *River City News* said Dayton had a tradition of holding trick-or-treating on the Sunday prior to Halloween, "but councilmembers and residents said ... that those plans often brought many more trick-or-treaters to the tiny river city for a bonus Halloween."

Wenande suggested that if residents are interested in setting Yankton's trick-or-treating for a day other than Halloween, they may want to contact the Yankton Area Chamber of Commerce's education committee.

"I would actually see the Chamber as a more active entity in leading this

initiative (than the City of Yankton)," she said. "This could be great for businesses to plan activities during the day either downtown or in the mall. I know some of the churches have also planned fall harvest activities to encourage safety."

"The Commission sets policy, but I'm not sure if we are the right group to be changing the celebration of a holiday," Wenande continued. "I'm happy to support the initiative and do what I can in years going forward. Having community discussion several months prior to Oct. 31 would help to gain community consensus."

Bruening said she, too, would like to gauge community interest in such a move for future years.

"If there's community support, I think it would be worth looking at for next year," she stated. "Yankton's children deserve the consideration."

You can follow Nathan Johnson on Twitter at [twitter.com/AnnInlandVoyage](https://twitter.com/AnnInlandVoyage). Discuss this story at [www.yankton.net/](http://www.yankton.net/).

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