

Report: Platte Family’s Deaths Were Gruesome

BY BOB MERCER
State Capitol Bureau

PIERRE – Six weeks after he reportedly killed himself on Sept. 17, the final version of the death certificate for accused murderer Scott Lewis Westerhuis was filed Friday afternoon with the state office of vital records.

The partial document that was previously filed Sept. 28 didn’t show a cause of death for the 41-year-old

Westerhuis. The final report filed Friday shows it was a suicide.

“Shotgun wound to the head. Perforating, involving brain, appears to be self inflicted,” the death certificate said.

The death certificates for the five other members of the family from Platte list them as homicide victims. A shotgun was used to kill each of the five.

For Nicole Anne Westerhuis, age 41, the certificate states: “Shotgun

wound to head inflicted by husband Scott(.) House burned to ground but no soot found in airway.”

For 16-year-old Michael: “Shotgun wound of head inflicted by his father Scott.”

For 14-year-old Connor: “His father shot him wounding him with shotgun in the neck, right chest and left shoulder area.”

For 10-year-old Jaeci: “Penetrating shotgun wound to chest inflicted by her father Scott.”

And for 9-year-old Kailey: “Shotgun wound inflicted to head by father Scott.”

The death certificates list the place of death for all six as their home on 279 St., Platte, and estimate the times of injury between 1 and 5 a.m.

The six family members were buried at two separate locations.

Scott Lewis Westerhuis was placed at Edgerton Cemetery south of Platte near the family’s home.

His father, Harm Westerhuis, and a sister are also buried there, as are other people named Westerhuis.

Nicole and the four children were buried at Platte City Cemetery.

State Attorney General Marty Jackley plans a news conference Tuesday, Nov. 3, at 1 p.m. CT at Platte’s community center to answer questions about the investigation.

South Dakota

Panel Takes No Action On Athlete Transgender Policy

BY BOB MERCER
State Capitol Bureau

PIERRE – An interim committee of the Legislature assigned to review the South Dakota High School Activities Association ended its work Friday without establishing a clear direction on transgender participation in athletic events.

The panel narrowly refused to ask the full Legislature to pass a state law overriding the SDHSAA policy that allows transgender students to participate.

One of the proposals would have made birth-certificate gender determinative of athletic participation.

Another would have used birth-certificate gender throughout South Dakota on all matters.

Both failed.

“We’re just changing our whole culture. This is one step in that direction,” Rep. Roger Hunt, R-Brandon, said about allowing the SDHSAA policy to stay in place.

The SDHSAA adopted a transgender policy last year. It allows students of the opposite gender to participate in athletic competitions that are gender specific if the students

get a waiver.

The SDHSAA policy didn’t generate much response during its adoption process, but state lawmakers gradually learned about it. Conservative members attempted several times in the 2015 legislative session to overturn the policy.

The House of Representatives supported declaring void the SDHSAA policy, but the measures died in the Senate.

The interim committee was assigned to look into the issue and other practices of the association.

Sen. Larry Tidemann, R-Brookings, tried to cut off the committee’s debate Friday after about an hour. He made a motion to adjourn without voting on proposed legislation.

The adjournment attempt failed on a 5-6 vote.

The maneuver was “reprehensible,” Rep. Jim Bolin, R-Canton, said. He voted against adjourning.

“This is the kind of stuff that causes people to lose faith in government,” Bolin said.

Tidemann said the transgender debate didn’t fit within the scope of the committee’s assignment. He said any legislator could introduce

a measure in the 2016 session.

Some legislators want the student’s gender on the birth certificate to be the determining factor.

“Suggestions that the Legislature not be involved in some of these policy decisions is not the best choice,” Sen. Bill Van Gerpen, R-Tyndall, said. “The Legislature represents all the people in the state.

He said the SDHSAA board members are elected by the school boards throughout South Dakota while the Legislature is elected by the voters statewide.

Other legislators prefer the matter to be left to individual school districts to decide whether transgender students can compete.

“That’s my point, is there a way to let schools know if they want to be more restrictive, they can be more restrictive?” asked Rep. Tona Rozum, R-Mitchell.

Rozum said some people are born with mixed chromosomes that produce anomalies. She said one in 100 births are people without clear genders.

“I firmly believe there is a physiological piece to this,” Rozum said. “This is much

more common than we think.”

The interim committee looked at two possible pieces of legislation Friday. One would specifically require the SDHSAA to use a student’s gender and wouldn’t provide for a transgender waiver.

Its key sentence reads, “His or her gender is defined by the physical condition of being male or female, determined at conception, identified at birth by the student’s anatomy, and recorded on the student’s official birth certificate.”

A second proposal states: “If the determination of a person’s gender is deemed necessary, gender is the physical condition of being male or female, determined at concep-

tion, identified by the person’s anatomy, and recorded on the person’s official birth certificate.”

Rep. Roger Hunt, R-Brandon, said the second version could “be workable and is clearly understandable.” He said it could be placed in the vital-records chapter of state laws.

Rep. Tim Rounds, R-Pierre, asked whether the language in the second measure would apply to all South Dakotans regardless of age. The answer from the committee’s attorney Roxanne Hammond was yes.

Rounds said he is open to the idea but it needed more work.

The SDHSAA board began

considering changes to the transgender policy in recent months.

John Krogstrand, an assistant executive director for the association, said one of the proposed changes calls for appointing an independent hearing officer who is a South Dakota attorney to determine if an athlete is living daily as a transgender person.

The SDHSAA board meets Wednesday and is scheduled to consider final approval of the revised policy then.

Krogstrand said the draft policy is considerably condensed from the original policy and focuses on the due-process rights of the student.

Krebs, Gant Disagree Over Cost For 27 Votes

BY BOB MERCER
State Capitol Bureau

PIERRE – Secretary of State Shantel Krebs told legislators Friday that its high cost might force her to shut off an electronic voting system started by her predecessor, Jason Gant.

But Gant said he is proud of it, even though only 27 military personnel used it to cast ballots in the 2014 election.

Krebs said the system was developed using a \$668,000 grant from the Federal Voting Assistance Program.

State records show Gant signed a contract on Aug. 23, 2013, to pay a software company to build the iOASIS program for military personnel.

It was intended to be a much-faster and more attractive substitute for traditional absentee ballots.

The contract called for an initial payment of \$200,000 to the company, Everyone Counts Inc., of San Diego, California.

The deal also required \$50,000 maintenance payments to the company in 2014 and 2016.

“We’re going to have to re-evaluate to see whether it is a worthwhile contract to move forward with,” she said.

Krebs and Gant made their comments to the Legislature’s Government Operations and Audit Committee.

The voting system was one piece covered in a special report that Krebs requested be assembled by the state Department of Legislative Audit.

The audit work questioned a variety of practices and identified problems such as three missing laptops that were purchased for the iOASIS system.

Gant told the committee that he didn’t know such a report could be requested. He said he would have asked for one when he took office and another one six months before he left office.

He said he should have taken more of a hands-on approach. The disappearance of the original state flag that had been in the office and since recovered on Oct. 8 was “taken by a former employee,” he said.

Gant said the laptops were inadvertently lost and he should have had a check-in check-out policy.

In closing he said he was proud of accomplishments such as improvements in military voting, use of vote centers and on-line filing of business documents.

“The successes were many,” he said and added that he made mistakes.

When none of the legislators chose to ask any questions, Gant asked to further address the committee.

He said iOASIS would be “the benchmark for the future

of military voting” because it uses the common access card issued by the U.S. Department of Defense to military personnel and military contractors.

“It would be unfortunate if that program goes away,” Gant said. He described voting with iOASIS as a five-minute process rather than going back and forth to request and receive an absentee ballot.

“I hope it does continue in the future because I think the benefits are enormous.”

Gant signed the contract for iOASIS just weeks ahead of Krebs filing a statement of organization in 2013.

That was effectively her notice to Gant that she would challenge for the Republican nomination for secretary of state.

Within a few weeks after that, Gant said he wouldn’t

seek a second term.

He made a trip to Germany in March 2014 to see the iOASIS system tested at a military base.

Sen. Billie Sutton, D-Burke, asked Gant at the end of the presentation if it was true that only 27 people voted with iOASIS in 2014.

“Yes, it was very slow at the beginning,” Gant answered.

Gant said many members of the South Dakota National Guard served overseas in the previous decade.

“I know 27 doesn’t sound like a wonderful number but it was a program 27 individuals took advantage of,” Gant said.

Gant added that he would rather have them vote than get frustrated and not vote.

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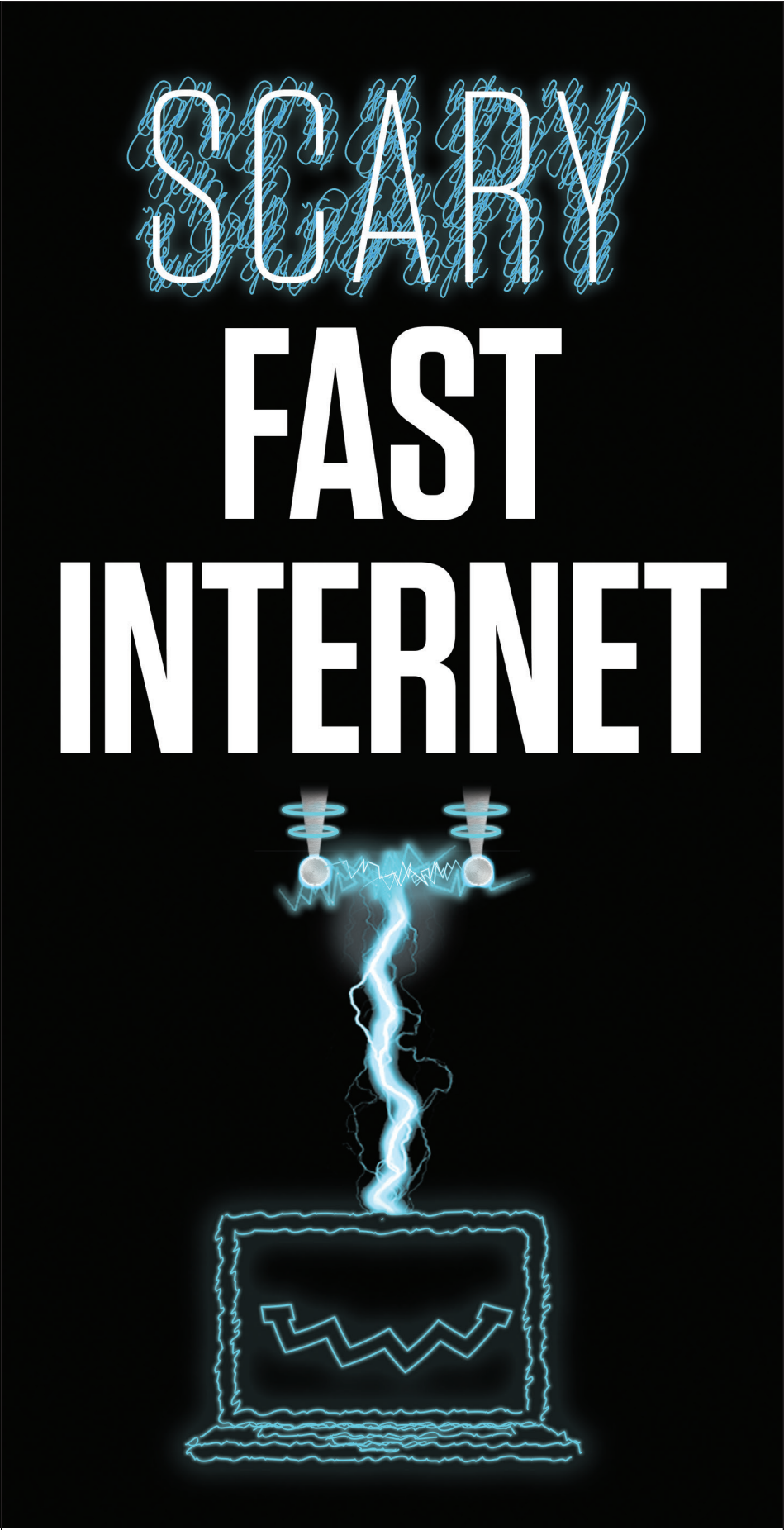
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