

THE PRESS & DAKOTAN

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OPINION | OTHER THOUGHTS

Petition Process Part Of Democracy

RAPID CITY JOURNAL (Sept. 8): Organizers of a drive to place an increase in the state's minimum wage on the ballot thought the Labor Day holiday was the perfect time to begin collecting signatures. If successful, voters will decide in November 2014 whether to increase the minimum wage to \$8.50 an hour.

The South Dakota Democratic Party is the prime sponsor of the petition drive. At least 15,855 signatures will be needed to get the measure on the ballot.

Democratic members of the Legislature have been trying to get the minimum wage in South Dakota increased without success. Taking the issue directly to the people is a good idea if Democrats want to see the minimum wage increased.

A check with the Secretary of State's website finds two other petitions being circulated at this time.

One proposed ballot measure would stop insurance companies from restricting their customers' choice of out-of-network health care providers. The proposed law, sponsored by three doctors, would allow health care providers to decide if they want to participate in a health insurance company's network rather than let insurers set up a restrictive network of providers.

Like the minimum wage measure, a bill to allow the concept of "any willing provider" in South Dakota was defeated in the Legislature this year in the face of opposition by businesses, insurance companies and the state's largest hospital systems.

A third petition would restrict payday loans and title loans in South Dakota. The proposed measure would establish a maximum interest rate on loans.

Circulating petitions for initiated measures, referrals and constitutional amendments is a process that has been allowed in South Dakota since the state began and is written into the state constitution. If you can get enough fellow citizens to agree and sign a petition, any law or constitutional amendment can be placed on the ballot or an existing law repealed.

In 2012, voters rejected two proposed constitutional amendments and approved two, on distributing the State Cement Plant fund and a balanced budget; an initiated measure on increasing the state sales tax was defeated; and voters defeated referred laws on a Large Project Development Fund and Gov. Dennis Daugaard's education reform plan.

If you agree with the goals of the proposed initiatives, go ahead and sign the petitions. It's part of our democracy — South Dakota style.

Pheasant Count Is A Concern

MADISON DAILY LEADER (Sept. 4): An annual count of young pheasants in South Dakota shows a substantial decline from last year, and we're concerned. Pheasant hunting is not only prominent recreation for thousands of South Dakotans, but an industry that attracts huge numbers of out-of-state hunters and associated spending with them.

The brood estimates aren't perfect — being based on visual sightings and extrapolations — but a dramatic drop clearly means there has been a change. Observers believe last year's drought, plus a cold spring this year caused the decline.

Others believe that changes in agriculture are contributing factors. Improvements in hybrids are allowing more acres to be planted with row crops, rather than maintained with grass for grazing, which provides cover for pheasants.

Moreover, the lack of a new Farm Bill has prevented reauthorization of the Conservation Reserve Program which pays farmers not to farm part of their land and plant it to grass or other good habitat for birds.

We're not in panic mode yet. Lower brood counts don't often equate with a bad hunting season, but continued low numbers may start to have a permanent effect. For now, we're still looking forward to a good season starting Oct. 19.

ON THIS DATE

By The Associated Press

Today is Monday, Sept. 16, the 259th day of 2013. There are 106 days left in the year.

Today's Highlight in History: On Sept. 16, 1857, the song "Jingle Bells" by James Pierpont was copyrighted under its original title, "One Horse Open Sleigh." (The song, while considered a Christmastime perennial, was actually written by Pierpont for Thanksgiving.)

On this date: In 1498, Tomas de Torquemada, notorious for his role in the Spanish Inquisition, died in Avila, Spain.

In 1810, Mexicans were inspired to begin their successful revolt against Spanish rule by Father Miguel Hidalgo y Costilla and his "Grito de Dolores" ("Cry of Dolores").

In 1893, more than 100,000 settlers swarmed onto a section of land in Oklahoma known as the "Cherokee Strip."

In 1908, General Motors was founded in Flint, Mich., by William C. Durant.

In 1919, the American Legion received a national charter from Congress.

In 1940, President Franklin D. Roosevelt signed into law the Selective Training and Service Act. Samuel T. Rayburn of Texas was elected Speaker of the U.S. House of Representatives.

In 1953, "The Robe," the first movie presented in the widescreen process CinemaScope, had its world premiere at the Roxy Theater in New York.

In 1972, "The Bob Newhart Show" premiered on CBS.

In 1977, Maria Callas, the American-born prima donna famed for her lyric soprano and fiery temperament, died in Paris at age 53.

In 1982, the massacre of between 1,200 and 1,400 Palestinian men, women and children at the hands of Israeli-allied Christian Phalangite militiamen began in west Beirut's Sabra and Shatila refugee camps.

In 1987, two dozen countries signed the Montreal Protocol, a treaty designed to save the Earth's ozone layer by calling on nations to reduce emissions of harmful chemicals by the year 2000.

In 1992, former U.S. Rep. Millicent Fenwick, R-N.J., died at age 82.

Ten years ago: North Carolina Sen. John Edwards formally launched his candidacy for the Democratic presidential nomination. Actor-singer Sheb Wooley died in Nashville, Tenn., at age 82.

Five years ago: Gen. David Petraeus stepped aside as Gen. Ray Odierno took over as the top American commander of the Iraq war. President George W. Bush got a firsthand look at the fury that Hurricane Ike had unleashed on the Gulf Coast with stops in Houston and Galveston, Texas, and a helicopter tour. Motown songwriter and producer Norman Whitfield died in Los Angeles at age 67.

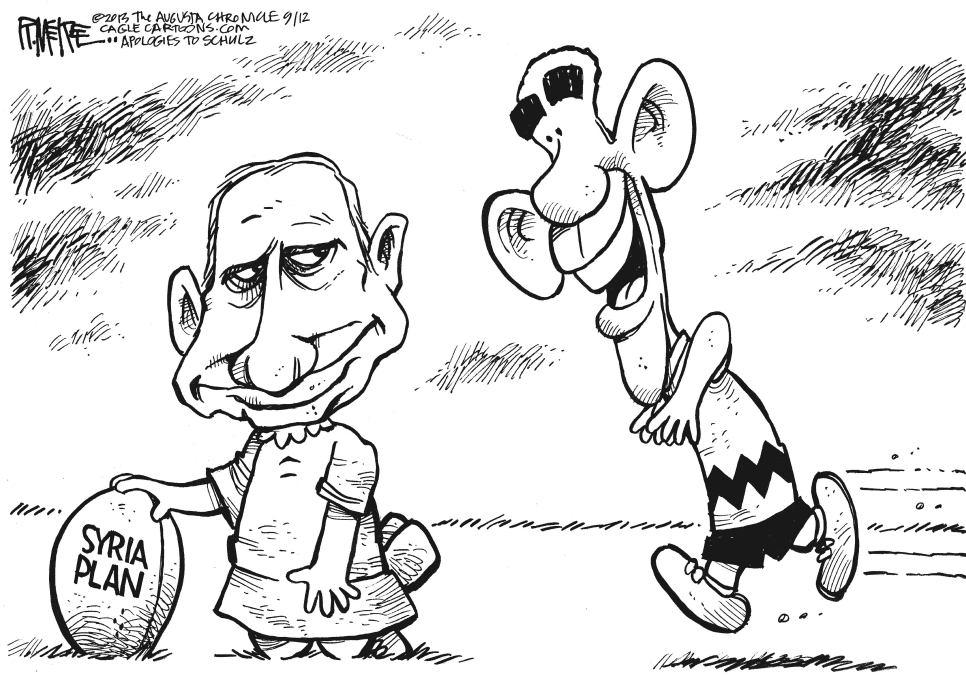
One year ago: In appearances on Sunday news shows, the U.S. ambassador to the United Nations, Susan Rice, said there was no evidence that the attack on the U.S. diplomatic outpost in Benghazi, Libya, was premeditated. But Libya's interim president, Mohammed el-Megharif, told CBS he had no doubt attackers spent months planning the assault and purposely chose the date, Sept. 11.

Today's Birthdays: Actress Janis Paige is 91. Actress Lauren Bacall is 89. Blues singer B.B. King is 88. Clergyman-author Rev. Robert H. Schuller is 87. Actor George Chakiris is 81. Bluesman Billy Boy Arnold is 78. Movie director Jim McBride is 72. Actress Linda Miller is 71. Rhythm-and-blues singer Betty Kelly (Martha & the Vandellas) is 69. Musician Kenney Jones (Small Faces; Faces; The Who) is 65. Actress Susan Rutan is 65. Rock musician Ron Blair (Tom Petty & the Heartbreakers; Mudcrutch) is 65. Actor Ed Begley Jr. is 64. Country singer David Bellamy (The Bellamy Brothers) is 63. Country singer-songwriter Phil Lee is 62. Actor-comedian Lenny Clarke is 60. Actor Kurt Fuller is 60. Jazz musician Earl Klugh is 60. Actor Christopher Rich is 60. Singer Frank Reed (The Chi-Lites) is 59. TV personality Mark McEwen is 59. Baseball Hall of Famer Robin Yount is 58. Actor Mickey Rourke is 57. Magician David Copperfield is 57. Country singer-songwriter Terry McBride is 55. Actress Jennifer Tilly is 55. Retired MLB All-Star pitcher Orel Hershisier is 55. Retired MLB All-Star Tim Lincecum is 54. Actress Jayne Brook is 53. Singer Richard Marx is 50. Comedian Molly Shannon is 49. Singer Marc Anthony is 45. Comedian-actress Amy Poehler is 42. Country singer Matt Stillwell is 38. Singer Musiq is 36. Actress Alexis Bledel is 32. Actress Sabrina Bryan is 29. Actress Madeline Zima is 28. Actress Kyla Pratt is 27. Actor Daren Kagasoff is 26. Rock singer Teddy Geiger is 25. Actress-dancer Bailey Buntain (TV: "Bunheads") is 24. Rock singer-musician Nick Jonas (The Jonas Brothers) is 21.

Thought for Today: "Stoicism is the wisdom of madness and cynicism the madness of wisdom." — Bergen Evans, American lexicographer (1904-1978).

FROM THE BIBLE

We always pray for you ... that the name of our Lord Jesus may be glorified in you. 2 Thessalonians 1:11-12. Portals of Prayer, Concordia Publishing House, St. Louis



Capitol Notebook

People Face A Big Bill When Suing Government

BY BOB MERCER

State Capitol Bureau

PIERRE — People who sign petitions for candidates and ballot measures don't have to worry about the other side coming after them seeking payment for the costs after the election. But that's not the case when people go to court challenging the government or another person.

They need to know up front that if they lose in court, they can wind up paying the other side's expenses.

Some people claim it is intimidation. The other side of the coin is somebody has to cover the bill.

Lawsuits aren't free. Consider a lawsuit brought by Stephanie Strong of Rapid City. She wanted to force state Rep. Brian Gosch, R-Rapid City, off the 2012 election ballot. So she sued Secretary of State Jason Gant.

Gant was represented in court by Rich Williams from the state Office of Attorney General. Gosch hired a private attorney. Strong represented herself.

Ultimately Circuit Judge Kathleen Trandahl found that Strong's lawsuit was frivolous and malicious. The judge decided Strong owed Gosch approximately \$21,000 for his legal costs.

The case is now on appeal to the South Dakota Supreme Court, with Strong still representing herself. The money hasn't been paid.

Sara Frankenstein of Rapid City is the lawyer representing Gosch. She's also been involved in the defense of Gant and Shannon and Fall River counties over a satellite-voting center at Pine Ridge.

That case was brought by the Four Directions organization on behalf of 25 people from the Pine Ridge Indian Reservation. They got

what they wanted for the 2012 election when Gant complied without the need of a federal court order.

But when Four Directions pressed for more — a court order regarding future elections — U.S. District Judge Karen Schreier said that wasn't appropriate. The judge ruled on that point in favor of Gant and the counties.

Because Gant and the counties prevailed they can seek costs from the 25 people whose names were used by Four Directions on the lawsuit. Approximately \$6,300 is at stake.

"The whole idea is people stop and think before they file a lawsuit," Frankenstein said in an interview.

"Our laws make sure there is a cost to contemplate before suits can be filed," she said. "It's meant to deter lawsuits that become frivolous or aren't ripe."

This isn't new.

Just two years ago, parents and school districts faced a bill of \$59,448.62 to compensate the defense after losing a lawsuit against state government over South Dakota's school-funding system. State Attorney General Marty Jackley waived the collection of costs, in return for the parents and schools ending the lawsuit and promising they wouldn't bring another school-funding lawsuit for 10 years.

Said Frankenstein, "It shouldn't be a surprise."

On an unrelated note, Lt. Gov. Matt Michels was incorrectly identified in last week's Capitol Notebook column as a former Navy nurse. He was a nurse, and he was in the Navy, but he was a nurse before he went to the University of South Dakota law school, and he was in a lawyer in the Navy before returning to Yankton to enter private practice.

Point Of View

Ideas For State's 125th Sought

BY JIM LARSON

Chairman, South Dakota 125th Anniversary Commission



Larson

also did special projects, such as sponsoring history books, giving grants to local and state projects, honoring 100 year old businesses, and creating historic themes for their annual meetings.

Many schools emphasized South Dakota history during the school year by upgrading curriculums and holding special assemblies.

To seek ideas for possible activities for 2014, Governor Daugaard appointed a nine-person commission to brainstorm ideas and accept public input.

So far, people have suggested art and photography exhibits and books, daily postings of South Dakota history on social media, joint events and projects with North Dakota, creating a commemorative coin, promotion of cowboy poetry, and having a wagon train from Yankton to Pierre.

I invite everyone to submit more ideas by visiting the 125th Anniversary of South Dakota Statehood website at www.125.sd.gov or by emailing your ideas to 125info@state.sd.us. People can also testify at the commission's second meeting Sept. 18 in Pierre, or call 605-773-5689 any time during the business day.

If you have any ideas, please don't hesitate to send them. They will be welcomed and appreciated.

YOUR LETTERS

Forgiveness

Fr. Tim Lange (retired), Yankton

Syria has been in the news for killing 1400 or so of their own children by use of chemicals. Our President is all upset about this tragedy and as John Kerry has said that the government of Syria must be held responsible for that terrible happening. Surely, we all agree there are government leaders in the world who are murderers at heart and need to be called on the carpet. But is war the only way to solve the problem? This can only lead to greater loss of life on both sides of the issue.

We agree that the killing of those innocent children in Syria was an awful crime. But, Mr. President and all your cronies, I wonder whether

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The **PRESS & DAKOTAN** encourages its readers to write letters to the editor and asks 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.

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