

Jackley: 'Common Sense' Approach Working In Dealing With Same-Sex Marriage Conflicts

BY ALYSSA SOBOTKA
For The Plain Talk



Three weeks since the Supreme Court ruling mandating licensing and recognition of same-sex marriages, South Dakota has been complying with the new law, but not without questions from officials and misunderstandings from the general public.

"Based upon the Supreme Court's decision, the state is both issuing and recognizing same-sex marriages," South Dakota Attorney General Marty Jackley told the Press & Dakotan in a phone interview. "We have received several inquiries from elected and local county officials and other state agencies regarding the Supreme Court's decision."

Initially, the inquiry that the Attorney General's office received came about immediately following the news had been released of the Supreme Court's decision on June 26. South Dakota officials questioned how quickly they should begin administering same-sex licenses, and Jackley responded by sending his order via a press release, indicating action should be taken effectively immediately.

The question the attorney general's office has received since is how the Supreme Court's decision can be abided and upheld without infringing on the officials' constitutional rights, such as speech and religion.

"Under the law, constitutional rights are required to coexist," Jackley said. "Federal requirements mandate that reasonable accommodations be put in place to protect the constitutional rights of all individuals, which would include government employees."

Oftentimes, it is a common misconception that a register of deeds that rejects to administer a marriage license to a same-sex couple on its bona fide and sincere religious objection is

not adhering to their duties or the Supreme Court's decision, according to Jackley.

"The hypothetical question has been: What would South Dakota do in balancing these rights?" he said. "I as attorney general have taken the position, that based upon the law ... we would take a common-sense approach in South Dakota, and in the event that a register of deeds had a bona fide and sincere religious objection, that we would find a common-sense and reasonable way to issue the marriage license."

Such an approach would include another county employee issuing the marriage license.

"The marriage license is still being issued and it's being issued without infringing on other well recognized constitutional rights," Jackley said.

He also said that in the unlikely event that there is no other county employee available, South Dakota law allows any county to issue a marriage license, in which case, LGBT couples could obtain them in an adjoining or nearby county.

Issuing more than 30 same-sex marriage licenses since the Supreme Court decision without any issue or concern within the state indicates that the approach is working, Jackley said.

"This has been working well in

South Dakota," he said. "(The approach) is balancing both the constitutional rights of the same-sex couples with the constitutional right to the freedom of religion."

Additionally, Jackley recently signed a letter with 14 other state's attorneys general to Congress, addressing comments made by Solicitor General Donald B. Verrilli Jr. during the Obergefell v. Hodges case.

Jackley and the other attorneys general addressed their concern regarding the fate of tax-exempt religious entities and non-profit organizations after the Supreme Court's ruling and urged Congress to modify the IRS code to ensure their tax-exempt status is not revoked.

"There were some arguments made by (Verrilli) that basically went contrary to the long and established recognition of freedom of religion," Jackley said. "(The 15 attorneys general) simply were concerned that, based upon his comments and philosophy, he was more than just suggesting that the IRS would affect the exemption status of certain religious groups that wanted to exercise their freedom of religion."

It was necessary for South Dakota to be recognized in the letter on the basis of the statewide practice of religious freedom, according to Jackley.

"You have to start with the premise that, every legislative session our state opens up with a prayer (as well as) most governmental settings, whether it's city council or county commission, they have that freedom and right to entering by prayer. So freedom of religion is really strong here in South Dakota," he said.

The other state's attorneys general signing the letter were from Alabama, Arizona, Arkansas, Georgia, Idaho, Kansas, Louisiana, Nebraska, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wisconsin.

Smoke Shows No Effect On Weather

BY ROB NIELSEN
rob.nielsen@yankton.net

While it's been hard to miss the smoky haze that has enveloped the region at times over the last few weeks, the smoke is having no discernable effect on the region's weather.

Speaking during the Great Plains and Midwest Climate Outlook webinar on Thursday, Brian Fuchs, climatologist with the National Drought Mitigation Center, said smoke from fires in Canada and Alaska hasn't changed the weather patterns, contrary to some speculation.

"From the discussions that have gone around, most of the state climatologists that I heard back from were saying they were not seeing an impact," Fuchs said. "There had been some work done as far as looking at what this does mean for the diffused solar radiation coming in with response to the smoke. For the most part, there was going to be little impact, if any, due to that smoke in the atmosphere."

Fuchs said this comes despite the sheer size of the fires to the northwest.

"What really stood out for me was looking at the northern prairies of Canada and just the sheer number of significant fires greater than 2,500 hectares," he said. "Even up in Alaska, I know at one point in time at the beginning of July there was over 1 million acres on fire at once. That's where that smoke's coming from — you have a tremendous number of acres on fire up to the north, and anytime we have a northerly wind or a strong trough system digs in and we get that northwest flow, it's pulling down all this smoke."

While agriculture isn't seeing a major impact from the smoke, Fuchs added it does affect the area's climate in the short-term.

"There is going to be some impact to air quality," he said. "Anyone with any type of health issues may be seeing some problems associated with the smoke, but for the most part, that's the only impact in our part of the country."

In the northern plains, the weather has been much less turbulent over the last month.

Fuchs said the drought situation east of the Rockies has seen drastic improvements.

"Through much of the plains and Midwest, we see a lot of white," he said, denoting areas of the map not reporting any drought or abnormal dryness. "There's pockets of dryness from Kansas, to Iowa, northeast, southeast South Dakota, the eastern Dakotas, we're still seeing some dryness, but really no impacts being reported to this time."

In the Vermillion area, the drought pocket has steadily shrunk since late spring, although one pocket of abnormally dry conditions remains. The area is relegated to Yankton and Clay counties in South Dakota and Knox, Cedar, Dixon and Antelope counties in Nebraska.

A special webinar to cover the current El Nino cycle has been scheduled for July 30 at 1 p.m.

Pancake

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the bikers," Tipton said. "He always is down in Onawa and he set up a tent there. One year we took pictures of a lot of the interesting people that came through and printed them out that night and then the next day we'd tell people about Chuck and his sheepskin place and we'd send pictures with them to give to him and he actually got about five pictures from five different bikers. That was kind of fun."

Johnson also has good memories of helping people in more ways than pancakes.

"We support people who need new glasses and we had a gentleman who was living under the bridge and we fed him breakfast and lunch and got him fixed up with glasses," she said. "He came back the next year to thank us and then he gave us a sock full of money. It was pennies, nickels and dimes but it came out to about \$20."

According to Johnson the



COURTESY PHOTO

Anyone is welcome to stop by the I-29 rest stop Thursday through Sunday for a pancake feed benefiting the W.H. Over Museum.

pancake feed benefits Vermillion itself as much as the museum.

"A lot of people will come into Vermillion and stop by here and the music museum and the Austin-Whitmer house if it's open," she said. "We recommend a restaurant. It's a win-win situation for Vermillion and the museum

and for Lyons."

Though the feed is mostly for passing travelers, Vermillion citizens are more than welcome to stop by.

"Saturday mornings we get a wonderful turnout of people from town," Johnson said. "The biggest help would be to come and eat and make a donation. We can't ask a set

price. We have one community member who comes out every day and helps. Frankie Putz, he's over 90. He comes every year and he looks forward to it."

For more information on the pancake feed, contact the W.H. Over Museum at 677-5228 or visit www.whovermuseum.com.

Partner Proposals To Protect And Restore Critical Wetlands

HURON - The Natural Resources Conservation Service (NRCS) announced the availability of \$17.5 million in financial and technical assistance nationwide to help eligible conservation partners voluntarily protect, restore and enhance critical wetlands on private and tribal agricultural lands.

"USDA has leveraged partnerships to accomplish a great deal on America's wetlands over the past two decades, said Chad Kacir, Acting State Conservationist with NRCS. "This year's funding will help strengthen these partnerships and achieve greater wetland acreage in South Dakota and throughout

the nation."

Funding will be provided through the Wetland Reserve Enhancement Partnership (WREP), a special enrollment option under the Agricultural Conservation Easement Program's Wetland Reserve Easement component. It is administered by the Natural Resources Conservation Service (NRCS). Under WREP, states, local units of governments, non-governmental organizations and American Indian tribes collaborate with USDA through cooperative and partnership agreements. These partners work with willing tribal and private landowners who

voluntarily enroll eligible land into easements to protect, restore and enhance wetlands on their properties. WREP was created through the 2014 Farm Bill and was formerly known as the Wetlands Reserve Enhancement Program.

Wetland reserve easements allow landowners to successfully enhance and protect habitat for wildlife on their lands, reduce impacts from flooding, recharge groundwater and provide outdoor recreational and educational opportunities. The voluntary nature of NRCS' easement programs allows effective integration of wetland

restoration on working landscapes, providing benefits to farmers and ranchers who enroll in the program, as well as benefits to the local and rural communities where the wetlands exist.

Proposals must be submitted to NRCS state offices by July 31, 2015. Projects can range from individual to watershed-wide to ecosystem-wide.

City

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Swimming Pool schedule.

Originally scheduled to close at the end of July, delays in construction due to the special election held in June have allowed the dates to be moved.

Currently, The Prentiss Park Swimming Pool is scheduled to be open through Sunday, August 16, 2015, weather permitting.

An updated proposal to construct a new swimming pool during the 2016 construction season has been set. With this schedule the new pool would be constructed while the existing pool is operational during 2016. The current pool would need to close early in 2016 to accom-

modate construction.

Important dates include:
Aug. 7, 2015 - Consultant on-site - review and progress report

Sept/Nov, 2015 - Complete plans and specifications
Dec. 7, 2015 - City Council approval of plans and specifications

Early February 2016 - Open for bids

March 2016 - Award Construction contracts

April 2016 - Commence construction outside current pool perimeter fence

August 2016 - Begin demolition of old pool

May 2017 - Substantially complete construction

It was also announced that road work will begin at the intersection of Duke Street and Cottage Avenue. The construction will close west-bound travel onto Duke Street only at that intersection.

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Chat

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670-0958 or email: jlushbough@gmail.com. For more information, visit: www.welcometable.org

- The Alzheimer & Memory Loss Caregiver Support Group, sponsored by the South Dakota Alzheimer's Association, will meet Mon., July 27, 7:00 pm at the Vermillion Public Library. All caregivers of memory loss persons are welcome to attend. Contact persons: Fern Kaufman (605 624-4898) or Marilyn Abraham (934-2534)
- Al-anon meeting at St. Paul's Episcopal Church, Mon., July 27 @ 7:30 pm. For more information, call 624-9764

TUESDAY, JULY 28
• Vermillion Rotary Club meeting, Tues., July 28 @ 12:00 pm in the Al Neuharth Media Center conference room. For more information, visit: www.vermillionrotaryclub.org

- The Mackenzie & Josie Huber Scholarship Blood Drive: Please help Mackenzie and Josie reach their goal of 50 units of blood donated to receive a college scholarship! They are hosting a blood drive on Tues., 7/28/15 from 12:30pm-6pm at Ace Hardware in Vermillion. They would like to invite the community to come out and not only help local hospitals with the summer blood supply, but also help them reach the goal of 50 units, to be awarded a

college scholarship!! All registered donors for their blood drive will receive a Chlotique discount and a pass to the wellness center. Please call Mackenzie at 605-677-9050 to schedule an appointment.

WEDNESDAY, JULY 29
• Award winning CSA Heikes Family Farm, 1408 317th St., open 4:00-7:00 pm, Wed., July 29 and Sat. 10:00 am - 2:00 pm for fresh local produce.

THURSDAY, JULY 30
• The South Dakota Department of Labor & Regulation will host Job Search Assistance Programs (JSAP). JSAP is a workshop for people recovering from job loss or enhancing their job search skills. Trained instructors speak on modern-day techniques used to successfully find employment. Topics covered are: resume and cover letter writing, interviewing etiquette, networking effectively, using social media and much more. JSAP will be offered at the following locations:
Thursday July 30, 9 am-3 pm, Vermillion - at 1024 West Cherry St. Parties interested in attending should register by calling 605-677-6900 before 5 p.m., Tues., July 28.

Friday, July 31, 9 am-3 pm, North Sioux City, 504 River Drive. Parties interested in attending should register by calling 605-242-5445 before 5 p.m., Wed., July 29.

- Vermillion Area Farmers Market, Thurs., July 30, 3:00-7:00 pm at Clay County Fairgrounds. Call 605-659-3399 or email VAFarmersMarket@gmail.com for more information.