MIDWEST DIGEST

Residents Vote To Re-Establish S.D. Township

MITCHELL (AP) — Davison County residents have voted to re-establish Mitchell Township eight years after it was dissolved.

The township was re-established by Thursday's 103-32 vote. Voter turnout was 21 percent.

A township board will be selected in the coming weeks.

Mitchell Township was dissolved in 2002 because expansion by the city of Mitchell was reducing its tax base and it couldn't pay its bills.

The Mitchell Rural Fire Association has been serving residents of the former township. But residents have been unable to pay $17,261 toward a grassfire rig.

So, some residents sought to re-establish the township so taxes could be collected to pay for the rig.

The new township board will have two years to set tax rates.

Animal Shelter's Costs Pile Up After Dog Raid

SIOUX FALLS (AP) — An animal rescue center in Sioux Falls says the cost of caring for 172 dogs seized from a Turner County breeder last September is approaching $400,000. The breeder says he does not plan to pay because his dogs were taken illegally.

State law requires the owners of rescued animals to pay for care expenses, but a judge has ruled that the search and seizure of Dan Christensen's property was illegal.

"I'm not going to buy my own dogs back," Christensen said.

Second Chance Rescue Center humane officer Rosey Quinn is charging Christensen $8 per dog for each day they are in her custody. She said that whatever happens with the lingering criminal case, she doubts the center will ever get the money.

"I'm pretty sure we'll get stuck with (the bill)," she said.

Quinn said the rescue center is struggling financially but she is resolute in proceeding with charges against Christensen.

"We're going to stand our ground because this whole thing was about the conditions these dogs were living in," she said.

No trial date is set for Christensen, who is charged with 173 counts of inhumane treatment of animals. Quinn said the prosecutor will ask the judge to reconsider her ruling that the search was illegal.

The dogs remain in custody as evidence, but the judge in the case says puppies born to the dogs since they were taken belong to Christensen.

Commission Finalizes S.D. Pheasant Season

SIOUX FALLS (AP) — The state Game, Fish and Parks Commission has finalized South Dakota's pheasant season.

The 79-day season will open Oct. 16, the traditional third Saturday of October, with a daily bag limit of three roosters. It will end at sunset on Jan. 2, 2011.

That's in line with last year's season.

The commission took public testimony on Thursday during its meeting in Huron.

Child Suspended For Taking Gun To School

SIOUX FALLS (AP) — A student at a Sioux Falls elementary school has been suspended for bringing a gun into the building.

Administrators at Oscar Howe Elementary say the 8-year-old boy was given a five-day suspension for bringing the weapon — either a BB gun or air pistol — to school.

The student and his mother say it was a mistake. The boy grabbed his father's backpack instead of his own. The bags are similar.

Sioux Falls police say the boy showed the gun to another student, who told a teacher.

Administrators say the boy didn't plan to hurt anyone and no threats were made.

Neb. Lawmakers Pass Wind-Energy Measure

LINCOLN, Neb. (AP) — Nebraska lawmakers have given final-round approval to a bill meant to attract wind-energy companies that would export the energy from the state.

Under the measure (LB1048) that Gov. Dave Heineman plans to sign, the Nebraska Power Review Board would approve wind-energy operations designed to export energy.

The bill would also ease concerns about public power's eminent-domain authority.

Private companies would have to reimburse public power for costs of building wind-energy transmission lines.

A Harvard University report says Nebraska ranks fourth among states in wind-energy potential, but 22nd in actual wind-energy production. One reason is it's the only state where all electric customers are served by publicly owned utilities.

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NEB. LEGISLATURE

Senators Give 2nd OK To Abortion Bill

Measure Would Assume Fetuses Feel Pain At 20 Weeks, Forbid Late-Term Abortions

BY NATE JENKINS
Associated Press Writer

LINCOLN, Neb. — Abortion restrictions aimed at shutting down one of the country's few late-term abortion providers inched closer to approval, and a courtroom, on Friday.

The measure, which also could change legal underpinnings of restrictions nationally, asserts that fetuses feel pain at 20 weeks of pregnancy. It sailed through the second of three votes needed for it to become law, virtually assuring it will receive final approval next week. Republican Gov. Dave Heineman is expected to sign it shortly after.

Current restrictions in Nebraska and elsewhere are based on a fetus's ability to survive outside the womb, or viability. Viability is determined on a case-by-case basis but is generally considered to occur around 22 to 24 weeks.

"I feel the state has a legitimate and substantial interest in protecting the life of an unborn child at 20 weeks," said Sen. Mike Flood of Norfolk, who introduced the bill.

Flood and other abortion foes argue a 2007 U.S. Supreme Court ruling upholding a federal ban on certain late-term abortions opens the door for such legislation because it suggests states have an interest in protecting fetuses. Abortion-rights' supporters say it's an obvious breach of precedent that clearly establishes that the viability of fetuses — not whether they experience pain — determines when abortions can be performed.

Abortion opponents say studies and testimony from doctors prove fetuses feel pain at 20 weeks. The American College of Obstetricians and Gynecologists, meanwhile, says it knows of no legitimate evidence that fetuses can experience pain.

The Nebraska bill also would be the first nationally to bar women from citing mental health problems as a reason to have an abortion after 20 weeks.

The absence of a mental health exception combined with the fetal pain restrictions, "unquestionably casts this legislation into the status of unconstitutionality," said Sen. Brenda Council of Omaha. It will almost surely be challenged in court.

"We're saying to her, 'we don't care what occurs to you, we mandate you take this pregnancy to term,"' Council said of the lack of a mental health exception.

Both major aspects of the bill are aimed at Dr. LeRoy Carhart, who practices in the Omaha area and is one of the nation's few late-term abortion providers. Carhart has said he performs abortions at up to 22 weeks electively, and after that if deemed medically necessary.

While Nebraska lawmakers are trying to shut Carhart down, Kansas lawmakers are trying to prevent him from coming there to replace the late Dr. George Tiller, who was shot to death last year in Wichita. Anti-abortion activist Scott Roeder was recently sentenced to life in prison with no possibility of parole for 50 years for killing Tiller.

Kansas lawmakers recently approved a bill that would require doctors to list an exact medical diagnosis justifying a late-term abortion. It adjusts the definition of viability to a "reasonable probability" a fetus would survive outside the womb with life-sustaining measures such as an incubator, among other changes.

Kansas Gov. Mark Parkinson, a Democrat who supports abortion rights, must decide within the next week whether to allow it to become law. He hasn't said what he plans to do with the bill.

Carhart's spokeswoman said Thursday that he doesn't have plans to leave Nebraska but is exploring his options.

Exactly how many abortions Carhart performs after about 20 weeks of pregnancy is unknown, and he declined to estimate the number Thursday. Unlike some states, such as Kansas, doctors in Nebraska are not required to report at what point in pregnancies they perform abortions.

Last year, for example, there were 2,551 abortions performed in Nebraska. In just one of those cases, a doctor reported the point in the pregnancy at which the abortion was performed.

Flood's bill would require that doctors date abortions and provide the information to the state.

Nationally, about 1 percent of abortions occur at or after 21 weeks, according to statistics provided by the Guttmacher Institute.

Neb. Police Must Describe Child Porn For Search

OMAHA, Neb. (AP) — The Nebraska Supreme Court has ruled that law-enforcement officers who cite evidence of child pornography in seeking a search warrant must include copies of the images or provide a detailed description.

The opinion issued Friday says it's not enough for officers to use the term "child pornography," because state statute does not define it. Instead, Nebraska law defines "sexually explicit conduct." Federal law does provide a definition of child pornography.

But in issuing the ruling, the high court upheld a search warrant obtained in 2007 for a Grand Island home, even though the state trooper did not describe the photos already found during the investigation. The high court says the trooper acted in good faith.

"It was not clear under Nebraska law that labeling intercepted computer images as 'child pornography' was insufficient, standing alone, to establish probable cause to search for evidence," the ruling states.

Tyler Nuss had sought to have evidence seized during the 2007 search thrown out. A Hall County district judge disagreed, and Nuss was convicted of possessing child pornography. The now-22-year-old was sentenced to 18 months' probation and ordered to register as a sex offender.

Nuss' attorney, Arthur Wetzel, was not available Friday to comment. A message left Friday for Nuss was not immediately returned.

Nebraska Attorney General Jon Bruning said his office has been operating under the rule outlined Friday by the high court.

"We appreciate the court setting these criteria as they provide a benchmark for prosecutors and investigators," he said.

In Nuss' case, the state trooper sought a search warrant based on 30 pornographic images downloaded from Nuss' computer by the FBI through a remote file-sharing program. He did not provide copies of the images or a description, but noted that he believed a search of Nuss' home would reveal "evidence relating to the possession, receipt, transmission and distribution of images depicting the sexual performance by a child less than 18 years of age."

Court records show the search turned up 38 images of child pornography.

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Partial Funding Restored To Neb. School District

NORTH PLATTE, Neb. (AP) — The North Platte public school district and the state Department of Education have reached a deal to save the jobs of several teachers who were going to be laid off because of an accounting error, the district's superintendent said.

The district had been looking at laying off up to 15 teachers after an error left it about $750,000 short for the 2010-2011 year. The department offered to restore the money in the 2011-2012 school year, but school officials had said that would come too late to save teachers' jobs in the fall.

The Education Department has agreed to restore about $300,000 for the upcoming school year, said Dave Engle, the district superintendent. The rest will be restored the following year.

That's a change from the department's position last week, when officials said nothing could be done for the upcoming school year because the funding had already been certified.

Even a meeting between department officials and state Sen. Tom Hansen of North Platte produced no solution.

But earlier this week, the North Platte Area Chamber and Development Corporation became involved, directing people to contact Gov. Dave Heineman in a plea for help.

Heineman said in a letter to chamber president Dan Mauk that he did not have direct authority over the Education Department or the state education commissioner. But Heineman did ask the department to resolve the matter.

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Congratulations

Clark's Rentals Growth Award Ribbon Cutting

The Ambassadors celebrated a "Growth Award" ribbon cutting in honor of the opening of the new location for Clark's Rentals/Custom Corner Inc. at 800 E. 4th St. The new larger location offers a wide variety of rental equipment for almost any project you may have to make the job quicker and easier. They rent everything from small power tools to large construction equipment and everything in between – even tables, chairs, and tents! They also offer wide variety of sales items including diamond blades, masonry drill bits, concrete tools, Honda engines and power equipment, and much more. Custom Corner offers parts, sales, and service on Harley Davidson motorcycles. This is their 19th year of business, and owners Larry and Joan Clark along with their employees Carl, Ray, Jimmy, and Devin would like to thank the Yankton community for their friendship and support over the years to make this all possible. They look forward to serving the Yankton area for many more years. Their contact information is (605) 665-3343 or email llcclark@iw.net. They are open 8-6 M-F, 8-5 Sat., closed on Sunday.

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