

MIDWEST DIGEST

Sen. Applauds Ruling On ACORN Funding

WASHINGTON (AP) — U.S. Sen. Mike Johanns says he's pleased that a federal appeals court has thrown out a decision that had barred Congress from withholding funds from ACORN.

The Nebraska Republican had introduced the measure last year to block funding to the activist group driven to ruin by scandal and financial woes.

Johanns says Friday's ruling confirms that "those who use tax dollars must do so honorably."

The ruling by the 2nd Circuit Court of Appeals in Manhattan reversed a district court decision that found Congress had violated ACORN's rights by punishing it without a trial.

Congress cut off ACORN's federal funding in response to allegations the group engaged in voter registration fraud and embezzlement, among other things.

Design, Building Led To Failure Of Bridge

LINCOLN, Neb. (AP) — Lincoln officials say design flaws and construction problems contributed to last month's partial collapse of a pedestrian bridge across Salt Creek.

About 20 people, mostly children in the Wilderness Nature Camp, were on the bridge in Wilderness Park when it dipped 12 to 15 feet on July 21. No major injuries were reported.

City officials have said the bridge suffered a structural failure during construction in 2003, so the design was changed. Inspection information released Friday shows the bridge didn't have enough structural support.

The bridge will be removed in the coming weeks. Options for replacing it are under consideration.

Also Friday, Mayor Chris Beutler announced a new inspection program for the city's 98 pedestrian bridges.

Free Screening Of Immigration Film Planned

LINCOLN, Neb. (AP) — A free screening of the documentary "9500 Liberty" will be shown at a Lincoln church in the wake of rising debate on illegal immigration in Nebraska.

The documentary is named after the address where a controversial sign stood deriding the community of Prince William County, Va., following the passage in 2007 of a law to crack down on illegal immigration.

The film looks at the local social and economic impact of the law, which requires police to inquire about the immigration status of all people arrested on suspicion of violating a state or local law.

Organizers arranged the screening following Fremont voters' approval in June of a local ordinance banning the hiring or renting of property to illegal immigrants.

The screening will be held Friday night at Westminster Presbyterian Church in Lincoln.

Mold Delaying Pierce, Neb., School Opening

PIERCE, Neb. (AP) — Mold problems have forced a district in northeast Nebraska to delay a school opening for about 375 students.

Superintendent Dan Navrkal (NAV-ur-kuhl) said Thursday that roof problems at Pierce Elementary are the likely cause.

He says test results expected Friday will provide a better picture of the problems and the possible remedies.

Navrkal says the district hopes to open the school by Sept. 7 but won't do so if the air quality jeopardizes the health of students or staff. That would be more than three weeks after Monday's scheduled opening.

The district also is making plans to hold classes elsewhere in town, but he says that won't occur if teaching materials and equipment at the school aren't available because of mold problems.

Stakeholders Increase Share In Midcontinent

SIoux FALLS (AP) — Three minority shareholders of Midcontinent Media have increased their combined ownership stake to 100 percent.

Patrick McAdaragh, Dick Busch and Steve Grosser bought the remaining shares from the estate of company patriarch Larry Benton, who died in 2009 at the age of 87.

Each will have now a one-third interest in the company. Mark Niblick, retired Midcontinent president and chief executive officer, will continue to serve as chairman for Midcontinent.

Midcontinent Media is a privately held company with operations in South Dakota, Minnesota and North Dakota. It is the managing partner and 50 percent owner of Midcontinent Communications, which provides cable and broadband services in the region.

Reserve Says Farmland Values Increasing

OMAHA, Neb. (AP) — The Federal Reserve Bank of Kansas City says farmland values continued to rise during the second quarter.

The Fed said Friday that its survey of banks in the 10th district showed a 5.6 percent annual increase in the value of irrigated cropland and a 4.8 percent increase in non-irrigated land.

The biggest increases came in Kansas, where irrigated land values jumped 9.2 percent, and Nebraska, where irrigated land values increased 6.4 percent. Both states recorded a 6.6 percent increase in dryland values.

The Federal Reserve says demand for farmland remains strong from both farmers and investors.

The 10th Federal Reserve District in Kansas City covers Kansas, Nebraska, Oklahoma, Wyoming, Colorado, northern New Mexico and western Missouri.

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Court Backs Pay Hikes For Neb. Teachers

BY NATE JENKINS
Associated Press Writer

LINCOLN, Neb. — Nearly 340 teachers and professors in Nebraska will get bigger pay raises than their public-sector bosses wanted following court rulings issued Friday.

About 265 professors and instructors at state colleges in Chadron, Wayne and Peru will land the biggest pay hikes of the bunch due to the rulings from the state Supreme Court. The rulings uphold decisions by the Commission of Industrial Relations, which handles labor disputes.

The professors and instructors at the state-funded colleges will get a retroactive pay increase of 7 percent for the recently completed fiscal year, and another 4 percent hike this year for a combined 11 percent.

The pay increases come at the same time the college system has said layoffs and other steps will be necessary to trim its budget.

The college system's board of trustees had asked for a significantly lower pay increase of a little more than a combined, 4

percent. That figure included no raises for full professors, 3.4 percent each year for associate professors, 6 percent each year for assistant professors and 3.2 percent a year for instructors.

College officials did not immediately respond to a message seeking reaction to the court decision on Friday.

In the other ruling that will affect public employee pay, the high court upheld a Commission of Industrial Relations decision to grant a combined, two-year pay increase of about 8 percent to 70 teachers.

The K-12 teachers work in youth rehabilitation centers and centers for people with developmental disabilities, among other places.

The state wanted them to get a lesser increase of about 5.5 percent.

In addition to the across-the-board, two-year pay hikes of 11 percent that college professors and instructors will get, the base salaries of new hires will be increased by about 9 percent. And faculty who are promoted will get increases of \$3,000.

In its ruling, the high court noted that it has a limited number of legal grounds on which it can reverse decisions by the Commission of Industrial Relations. They include findings that the commission overstepped its authority.

"There is no evidence that the CIR acted without or in excess of its powers or that the order was procured by fraud or is contrary to law," the ruling says.

The court also pointed out that CIR, which acts as a sort of appeals court for public labor issues, is supposed to largely defer to wage decisions made so-called special masters who are appointed to settle labor disputes.

In the state college wage dispute, according to the high court ruling, the special master described the proposals from each side as "in your face" and "highly unpalatable" to the other.

But the special master concluded that the union's proposal brought employee pay closer to that of employees of other, comparable colleges, according to the ruling.

Feds Would Lift Block On Oil Leases In S.D.

BY MATTHEW BROWN
Associated Press Writer

BILLINGS, Mont. — Federal officials want to move forward with oil and gas leases on about 260 square miles in Montana, North Dakota and South Dakota that have been held up over climate change concerns.

The leases in question comprise only a tiny fraction of the more than 70,000 square miles of public land across the country now under lease for oil and gas development.

But they gained added significance in March, when the government agreed to re-examine its leasing program in the three states in response to a lawsuit from environmentalists.

At issue are greenhouse gases emitted by oil company trucks and drilling rigs and industry practices such as flaring gas, which sends methane directly into the atmosphere.

In a series of new studies, the Bureau of Land Management said emissions from anticipated drilling on the leases would be negligible compared with other sources.

"We can't show a direct tie between these emissions and climate change, so we can't attach (restrictions on development) to leases," BLM spokeswoman Mary Apple said Friday.

The agency recommended that drilling be allowed to proceed on about 36,000 acres of leases that were sold in 2008 but later suspended. Also, lease sales would proceed on 130,000 acres that were delayed while the new studies were conducted, BLM spokesman Greg Albright said.

About two dozen leases would remain deferred — because of potential impacts on sage grouse, not greenhouse gas concerns. The size of those leases could not be immediately determined.

A public comment period on the BLM proposal closes Sept. 13.

The BLM proposal also outlined steps companies can take to reduce greenhouse gas emissions. Yet they are not required to do so.

An attorney for the environmental groups that sued over the 2008 leases said he would continue to push the BLM to take a tougher stance on oil field emissions.

"It's a lot of talk and not a lot of action," said Erik Schlenker-Goodrich with the Western Environmental Law Center.

"They're really deciding to do the same as they did before. There's been no change."

Kathleen Sgamma, director of government affairs for the Western Energy Alliance, said the BLM was moving in the right direction.

But Sgamma, whose group until recently was known as the Independent Petroleum Association of Mountain States, noted that the BLM intends to carry out similar reviews prior to future lease sales, adding a new layer of bureaucracy.

"Certainly this has caused an interruption to industry," she said. "Once you've got the process down, hopefully it's fairly easy to do it and repeat that process."

Nationwide, the Environmental Protection Agency says oil and gas operations account for about 23 percent of annual U.S. methane emissions and 2 percent of total greenhouse gas emissions.

However, the BLM's new studies said emissions in Montana would change only slightly if the 166,000 acres now held up gets developed.

"It's a pretty small number. The highest we have is 0.02 percent of the state total," Albright said.

A public comment period on the BLM proposal closes Sept. 13.

Student Lender Nelnet Settles Lawsuit For \$55M

OMAHA, Neb. (AP) — Student lender Nelnet said Friday it agreed to pay \$55 million to settle a whistle-blower lawsuit that accused the company and nine other lenders of defrauding the U.S. government out of \$1 billion.

Nelnet did not admit any wrongdoing as part of the settlement, which will affect the company's third-quarter earnings. The settlement must be approved by the U.S. Department of Justice and the court before it becomes final.

A trial in the lawsuit filed by former Education Department researcher Jon Oberg had been scheduled to begin Tuesday, but before the Nelnet settlement was announced Friday, U.S. District Judge John F. Anderson canceled the trial date to allow additional time for settlement talks.

A government audit in September 2006 found several student lenders had received an artificially high rate of return for several years through a program that was supposed to be phased out in 1993. Oberg helped discover the overpayments.

Oberg's lawyer, Christopher Mills, did not immediately respond to a message left Friday afternoon.

Nelnet says it was accused of receiving \$407 million in improperly high returns, and if it had lost at trial, damages could have been tripled.

In January 2007, Nelnet made a separate deal with the federal government regarding the overpayments. At that point, the Education Department agreed not to try and recover the improper payments Nelnet had received in return for the company halting the practice.

Oberg filed his lawsuit in Virginia in September 2007 on behalf of the U.S. government as a whistle-blower. It was unsealed last fall after the government declined to pursue the case. Under the whistle-blower law, Oberg will be allowed to keep a portion of the damages collected because he brought the lawsuit.

Nelnet officials have defended their actions in the past and said they never attempted to defraud the government and federal officials knew what the company was doing.

Nelnet spokesman Ben Kiser said Friday the Lincoln, Neb.-based company was pleased to resolve the lawsuit.

"While we believe the case brought by Mr. Oberg was without merit and that we would have prevailed at trial, a settlement eliminates the uncertainty, distraction, and expense of a trial," Kiser said.

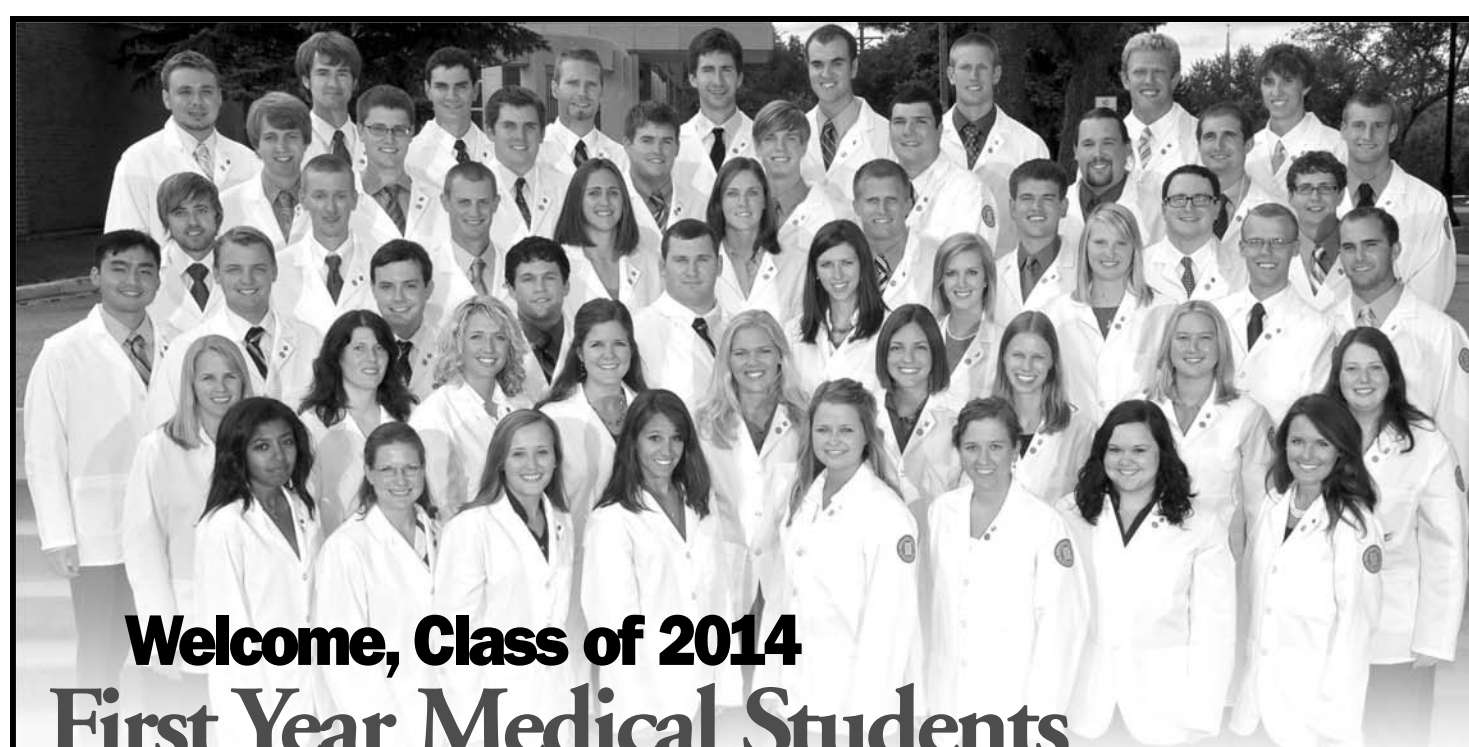
Among the other defendants in the case is Reston, Va.-based Sallie Mae. Officials at that student loan giant declined to comment because the lawsuit is still pending.

The lawsuit says all the lenders involved took advantage of a program guaranteeing a 9.5 percent return that was put in place in the 1980s when interest rates were high.

Congress ended the 9.5 percent guaranteed return in 1993, but Oberg's lawsuit said Nelnet and other lenders found ways to continue getting that rate of return.

All proceedings in Oberg's lawsuit will be on hold until at least Oct. 1. Anderson said that a status hearing would be held in the case that day in the event the current defendants had not yet resolved all their claims.


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