

MIDWEST DIGEST

Neb. Town Pays Church That Protests

LINCOLN, Neb. (AP) — An Omaha suburb has paid a member of a Kansas church that protests at soldiers' funerals \$17,000. In exchange, Shirley Phelps-Roper has dropped her lawsuit against Bellevue.

The settlement with Westboro Baptist Church, which says troop deaths are punishment for the nation's tolerance of homosexuality, was signed last week.

The church says it shows that responding to public anger by taking action against it costs taxpayers.

City attorney Michael Polk didn't respond to a message seeking comment.

Phelps-Roper was arrested during a 2007 protest in Bellevue after she and her son allegedly mutilated the U.S. flag.

The settlement was signed the same day a federal judge, with agreement from Attorney General Jon Bruning, permanently stopped the flag-mutilation law from being enforced. They say it's unconstitutional.

Sunday Liquor Sales OK'd In Madison

MADISON (AP) — Madison is the latest South Dakota city to allow Sunday liquor sales.

City commissioners on Monday approved off-sale alcohol retailers to sell on Sundays and Memorial Day. Off-sale license holders are still prohibited from selling distilled spirits or wine between 2-7 a.m. and at any time on Christmas Day.

Liquor sales on Sundays will begin in three weeks, after the new ordinance is published.

Work Begins On New S.D. Power Plant

BROOKINGS (AP) — Bismarck, N.D.-based Basin Electric Power Cooperative on Tuesday began construction of a power plant in eastern South Dakota.

The \$405 million Deer Creek Station is near Brookings. Officials expect to have it operating in mid-2012 to help provide electricity to 135 rural electric systems in nine states.

The plant will use gas and steam to produce electricity and will have a capacity of about 300 megawatts, or roughly enough energy to power 300,000 homes.

The project the past three years cleared all state and federal regulatory hurdles, and on June 29 the South Dakota Department of Environment and Natural Resources issued a construction permit.

Project coordinator Gavin McCollam says the plant will have about 30 full-time employees. At the peak of construction, about 350 workers will be at the site.

Neb. Not A Finalist For Education Grant

LINCOLN, Neb. (AP) — Nebraska isn't a finalist for a federal Race to the Top federal grant.

Federal officials announced Tuesday that 18 states and the District of Columbia are finalists for a share of the \$4.35 billion that will be distributed.

Nebraska decided this spring to apply for a \$75 million grant despite getting low marks in an earlier round. The state was criticized in the initial grant review because Nebraska has no mechanism for charter schools.

Bill Aims To Help Tribes Hurt By Dams

BISMARCK, N.D. (AP) — The chairman of the U.S. Senate's Indian Affairs Committee says he wants to resolve claims by seven American Indian tribes whose lands were flooded when Missouri River dams were built.

Sen. Byron Dorgan has introduced a bill that would establish a commission to hold hearings and study the issue.

The North Dakota Democrat says the commission would make recommendations to Congress and federal officials on a comprehensive resolution of tribal claims.

Dorgan says tribes received some compensation for lost lands, but each tribe was compensated differently and some promises remain unfulfilled.

The three other senators in the Dakotas are co-sponsors of the bill.

Interstate In Lincoln Closing For Work

LINCOLN, Neb. (AP) — The Nebraska Roads Department says pavement work will close temporary closure of Interstate 180 lanes in Lincoln.

The department says southbound I-180 and its ramps and the passing lane for northbound I-180 will close Tuesday evening at 6 p.m. and reopen the next morning. Then the northbound lanes and ramps and the southbound passing lane will close Wednesday at 6 p.m. and reopen Thursday morning.

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Fremont To Delay Immigration Law

BY MARGERY A. BECK
Associated Press Writer

FREMONT, Neb. — A voter-approved ban on hiring and renting property to illegal immigrants was suspended Tuesday by the Fremont City Council, less than two days before it was set to take effect in the eastern Nebraska city.

Council members voted 8-0 to delay an ordinance that is being challenged by two federal lawsuits, saying the move will save the city money in its legal defense.

The council narrowly rejected the ban in 2008, prompting supporters to gather enough signatures for the ballot measure. Voters approved the ban last month and it was scheduled to take effect Thursday.

The city faces lawsuits from the American Civil Liberties Union and the Mexican American Legal Defense & Educational Fund.

"We're relieved that the Fremont City Council will suspend this discriminatory ordinance while it's being litigated," Amy Miller, the ACLU of Nebraska's legal director, said in a statement. "It was a responsible decision that will spare residents of Fremont from worrying about losing housing and jobs because of their appearance and accent pending a final resolution by the court."

The ACLU expected to ask a federal judge Wednesday to temporarily block the ban from taking effect. After the vote, the group said it and the city plan to use the hearing to ask that the ordinance be blocked pending a final court resolution.

The ordinance has divided the community between those who say it makes up for what they call lax federal law enforcement and others who argue it could fuel discrimination.

Council members had insisted that any suspension would be aimed at saving money on the city's legal defense, but some ban supporters remained skeptical.

"They see it as another attempt by the city to block this ordi-

nance," Jerry Hart, a Fremont resident who petitioned for the ballot measure, said ahead of the vote.

City officials have estimated Fremont's costs of implementing the ordinance — including legal fees, employee overtime and improved computer software — would average \$1 million a year.

Council president Scott Getzschman has said it's unclear how much money the city would save by suspending enforcement of the ordinance. He insisted the council is only trying limit legal costs, even if the savings are small.

"It just boils down to the fact that the restraining order and injunction is imminent," Getzschman said before the vote. "And as the city of Fremont, we're looking at ways of reducing costs."

Betty Faux, 69, who owns a lake house just outside the 25,000-resident community, where dozens of homes along a main residential street flew American flags Tuesday, said that's not a good enough argument.

"I think they should go ahead with it; especially since they've got somebody who will represent them for free," Faux said, referring to Kansas City, Kan.-based attorney Kris Kobach, who drafted the Fremont ordinance and has said he would represent Fremont free of charge to fight lawsuits filed over the ordinance.

Kobach also helped write the Arizona law that directs officers to question people about their immi-

gration status during the enforcement of other laws such as traffic stops and if there's a reasonable suspicion they're in the U.S. illegally.

Kobach told The Associated Press earlier Tuesday that if the council delayed implementation, it would mean fewer court hearings in the litigation process, making the process of hearing the lawsuits shorter and cheaper for the city.

The ordinance has put Fremont on the list with Arizona and other places in the national debate over immigration regulations. Arizona's sweeping law is set to take effect Thursday.

The ACLU and the Mexican American Legal Defense & Education Fund say the Fremont ordinance amounts to discrimination.

It would require employers to use a federal online system that checks whether a person is permitted to work in the U.S.

It also would require people seeking to rent property to apply for a \$5 permit at City Hall. Those who said they were citizens would receive a permit and would not have to provide documents proving legal status. Those who said they weren't citizens would receive permits, but their legal status would be checked. If they're found to be in the country illegally and are unable to resolve their status, they would be forced to leave the property.

Caves Closed Due To Bat Fungus

BY BOB MOEN
Associated Press Writer

CHEYENNE, Wyo. — Even Batman isn't immune from an eviction notice these days.

The U.S. Forest Service said Tuesday it was barring entry to caves on service-owned land in Colorado, Wyoming, Nebraska, Kansas and South Dakota because of white-nose syndrome, which has killed nearly a million bats in the eastern and southern U.S. and is spreading west.

The agency said it took the action to help prevent humans from inadvertently spreading the disease.

But thousands of people — professional and amateur — enjoy exploring the multitude of dark, damp underground crevices and caverns in the West. Many are chafing at the federal restrictions.

"It's just like Prohibition," said Richard Rhinehart of Denver, who has a caving blog and has been spelunking since he was in high school in 1974.

Deputy Regional Forester

Tony Dixon said it was impractical for the agency to widely enforce the ban, given the vast number of caves in the Rocky Mountain region. He appealed to cave explorers to voluntarily adhere to the restriction and help the agency determine which caves and mines don't harbor bats.

It's possible caves without bats can be reopened, Dixon said.

Forest Service regions in the East and South have already imposed bat cave closures. But a complete ban on caving has proven ineffective, said Rhinehart, a member of the National Speleological Society.

He said it would be best to keep some mines and caves open so people can satisfy their need to explore until the bat disease passes.

"You can't get 100 percent of the people to follow an order at any time," Rhinehart said. "We were hoping for something better, such as a targeted closure because that is what science is suggesting would be the best course of action."

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