

Univ. Of Neb. Regents Considering Tuition Freeze

LINCOLN, Neb. (AP) — The University of Nebraska Board of Regents will consider the first tuition freeze in more than two decades when members meet in June.

KETV reports President James B. Milliken says the two-year freeze is possible because of a 4 percent funding increase approved by the Legislature. The last tuition freeze was in 1990.

Officials say the freeze would save undergraduates at the four University of Nebraska campuses about \$1,000.

The board will meet June 7.

Neb. High Court Rules In Homeschooling Case

OMAHA, Neb. (AP) — The Nebraska Supreme Court says parents who homeschool are not under a deadline to begin that schooling, as long as the minimum instruction hours for the year are met by June 30.

The case stems from the 2011 convictions of Eric Thacker and his wife, Gail Morgan-Thacker, of violating Nebraska's school truancy laws.

The Thackers moved to western Nebraska with their five children in March 2011. They were charged and convicted of the misdemeanors later that year when authorities said their children were not home-schooled or enrolled in public school from Aug. 17 through Oct. 4.

The Thackers appealed, saying they planned to begin homeschooling in November. A Dawson County District Court judge reversed their convictions, saying state law doesn't require parents to begin homeschooling when public school classes begin.

USDA: Corn Prices Up Slightly In South Dakota

SIOUX FALLS (AP) — The U.S. Agriculture Department says May corn prices are up slightly in South Dakota.

The South Dakota office of the National Agriculture Statistics Service says corn, at \$6.67 per bushel, is up 8 cents from last month. Soybeans are up 50 cents from last month at \$14.50.

The preliminary winter wheat price, at \$7.29, is up 5 cents from last month. The spring wheat price, at \$7.70, is 16 cents lower than last month.

The Ag Department says the preliminary all sunflower price, at \$22.80, is down \$1.20 from last month.

Some Skeptical About Scottsbluff Beef Plant

SCOTTSBLUFF, Neb. (AP) — Some who attended public forums about a planned beef processing plant in Scottsbluff reacted with skepticism about the proposal.

The *Scottsbluff Star Herald* reports nearly 400 people attended the forums Wednesday and Thursday, led by planned plant general manager Keith DeHaan.

Many questioned plans to hire 100 to 150 Korean-American workers for the plant owned by Future Food Energy LLC. South Korean investors hope to employ Korean-Americans and DeHaan says he's recruited such people from the Denver area.

Residents questioned whether such workers would speak English and contribute to the community. DeHaan says workers and current residents would need to work together to foster a sense of community.

Kansas Man Sentenced For January Jail Break

HURON (AP) — A 45-year-old Kansas man was sentenced Friday to 35 years in prison for breaking out of the Beadle County jail in January.

Charles Beeney, who had previously pleaded not guilty to charges of assault, theft and escape, changed his plea Friday to guilty and was given the maximum sentence for the crime, KELO television reported.

Prosecutors say Beeney escaped from the jail in Huron on Jan. 8 by accosting a guard with a makeshift weapon. He was captured later that day after stealing a pickup truck and driving it to Sioux Falls.

Beeney had been in the Huron jail since Dec. 3, when he was arrested following a chase with law enforcement officers from five counties and the South Dakota Highway Patrol. The chase ended when Beeney crashed the pickup truck he had stolen from a dealership in Bismarck, N.D., in a field west of the South Dakota town of Alpena.

S.D. Man Pleads Guilty In Synthetic Drug Case

ABERDEEN (AP) — An Aberdeen man who was arrested after a drug bust at an art gallery has pleaded guilty.

Brandon Messmer pleaded guilty to possession of synthetic drugs and bath salts. Sentencing is not expected until September.

The *American News* reports that the plea agreement calls for the 37-year-old Messmer to serve more than two years in prison.

Prosecutors say the drugs were found at the gallery and at Messmer's home. Sherri Bauer, who operated the gallery, pleaded guilty and was sentenced to prison.

Family Of Man Killed At Work Can't Sue

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — The family of an 18-year-old man who died because of the willful negligence of a western Nebraska grain elevator company can't sue the company, the Nebraska Supreme Court ruled Friday.

After being ordered by a supervisor to go into a grain bin, Joseph Teague was suffocated in 2007 by an avalanche of grain in Lorenzo, a hamlet just north of the state line with Colorado. The owner of the elevator, Crossroads Cooperative Association, was later cited by federal authorities for allowing Teague to enter the bin without supervision or a harness while grain-moving equipment was operating, as well as for failing to provide equipment for rescue operations.

A federal court found Crossroads guilty and ordered the company to pay a \$100,000 fine for violating federal safety standards.

Teague's estate sued, but a Cheyenne County District judge threw it out, agreeing with Crossroads that state law makes workers' compensation the only recourse for recovering damages. In its appeal, Teague's estate argued that workers' compensation covers claims caused by accidents during the course of employment, not by intentional acts of the employer.

The teen's estate also asked the Nebraska

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JOHN SIMMONS

Supreme Court to adopt an exception — as New Mexico has done — for cases in which an employer intentionally inflicts or willfully causes the injury of a worker. Not doing so, the family argued, would “encourage an employer, motivated by economic gain, to knowingly subject a worker to injury in the name of profit-making.”

But the Nebraska Supreme Court upheld the lower court's finding, suggesting that the Nebraska Legislature is the only body that has the power to determine what circumstances might allow a lawsuit.

“Regardless of the egregiousness of the employer's actions, the question is what court has jurisdiction over the employee's claim,” Nebraska Supreme Court Judge Michael McCormack wrote for the high court. “This is a workers' compensation law question, not a tort question.”

Since the Workers' Compensation Court is a creation of state law, “it is the role of the Legislature to determine what acts fall within the Workers' Compensation Court's exclusive

jurisdiction,” McCormack wrote.

Crossroads attorney John Simmons lauded the high court's recognition that there is no exception in state law for intentional acts by employers.

Simmons acknowledged that Teague's family could expect to be compensated for the teen's funeral expenses, as well as some funds from workers' compensation; he did not know how much that would be. Because Teague was young and had no dependents, workers' compensation would be much less for his death than if he had had a wife and children, Simmons said.

“There's a lot more money to be had in a lawsuit for wrongful death,” he said. “Under workers' compensation, there is a fee scheduled that's followed, and that's what you get, period.”

Ogallala attorney Kevin O'Donnell, who represents Teague's estate, did not immediately return a message left Friday by The Associated Press seeking comment.

Battleship Memorial Gets Facelift Before Reunion

SIOUX FALLS (AP) — A Sioux Falls man is leading an effort to spruce up the USS South Dakota battleship memorial in time for a reunion of Navy veterans at the end of June.

Robert Ruf is recruiting several businesses to help him sandblast, power wash and repaint the concrete and steel monument before the biennial event, which once drew up to 200 veterans.

“This year, we expect 10 to 15,” said organizer Cathy VerShel-

don, of Buffalo Grove, Ill. “The last six years they have been saying, ‘This is the last one.’ Then they keep asking me to do it again.”

Ruf, 51, an oil paint artist and water consultant for Culligan who served in the Navy from 1987 to 2002, tells the Sioux Falls *Argus Leader* that the facelift is the least the volunteers can do.

“It's not only local. It's a national landmark. If we don't keep it going, shame on us,” he said.

Ruf estimates it will cost

\$50,000 to spruce up the memorial. Supporting businesses should cover all but about \$10,000, he said.

The Navy launched the South Dakota from Camden, N.J., in 1941, the year the U.S. entered World War II. The original ship was scrapped in 1962.

The battleship memorial, in place since 1969, features a concrete wall stretching in a long oval across the Sherman Park grass to provide an outline matching the ship's perimeter. Inside are remnants of the ship,

along with a museum and a series of plaques recapping its mission.

The effort to beautify the project is being done in conjunction with the battleship memorial foundation.

“We've put a lot of years on the memorial. It's very important to keep it in the best condition we can,” said Harlan Bedford, 70, foundation vice president and a retired Navy officer who served in the submarine service during the Vietnam War era.

GF&P Error Thrills, Then Disappoints South Dakota Hunters

RAPID CITY (AP) — Chuck Clayton erupted in such excitement Wednesday that his wife thought he was nuts, only to realize a half-hour later that he'd fallen victim to a computer glitch that got his hunter hopes up high.

Clayton, of Huron, was one of about 2,000 hunters notified by the South Dakota Game, Fish & Parks Department that he'd drawn one of two once-in-a-lifetime hunting permits for bighorn sheep in the Black Hills.

“I sent out a bunch of emails

and started to plan my hunt, only to have the second email about 30 minutes later saying I hadn't drawn the tag,” Clayton told the *Rapid City Journal*.

The permits are so coveted that one was auctioned off for \$102,000 this year to Watertown-area businessman Jon Dagel. Thousands of hunters enter the drawing. Just two names were chosen this year. The GF&P did not release their names Thursday.

Here's what the GF&P said hap-

pened: An “incorrect computer file” was accidentally downloaded, prompting hunting applicants who had provided email addresses to be notified that their names had been drawn for the sought-after license. The error was discovered when the system was about halfway through the notification process, meaning that about 2,000 people were incorrectly told that their names had been drawn.

“GF&P usually does a very good job,” Clayton said Thursday. “But

to take an old guy like me up the mountain and then push me off a cliff seems a bit cruel, even if it was a mistake.”

Shon Eide, license office supervisor for GF&P in Pierre, apologized for the error.

“We know the high regard that hunters hold these licenses, and we apologize for the erroneous notification that was sent,” said Eide, adding that the mistake “was not a security breach within the license system.”

Arena, Downtown Lincoln Trash Suggested For Power Project

LINCOLN, Neb. (AP) — A waste energy consultant thinks it's possible to fuel production of electricity with tons of garbage from Lincoln's new Pinnacle Bank Arena and other downtown buildings.

Dave Dingman has been working with an engineer on a proposal to turn biodegradable waste into gas. He'll present a proposal to the city and Lincoln Electric System

later this year, the *Lincoln Journal Star* said.

It would help save space at the Bluff Road Landfill, reduce fuel and vehicle maintenance costs for waste haulers, generate electricity for LES and reduce greenhouse gases, said Dingman, the owner of

Nebraska Organic Waste Energy.

“It's about doing the smart thing. ... It makes sense to me,” said Dingman, who worked as an energy policy adviser for the Nebraska Energy Office for two years.

Preliminary cost of the pilot project is \$6 million to \$10 million

and would pay for itself in about five years, he said.

The plant would compost about 20,000 tons of biodegradable waste from the Pinnacle Bank Arena, downtown hotels and restaurants, and the University of Nebraska-Lincoln City Campus.

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