

MIDWEST DIGEST

Herseth Sandlin: Jobless, Tax Bill Too Costly

PIERRE (AP) — Democratic Rep. Stephanie Herseth Sandlin of South Dakota says she will not vote for a bill that would extend unemployment benefits and some tax breaks because it would increase deficit spending.

South Dakota's lone member of the U.S. House told reporters Thursday that the bill includes some good provisions, but she can't support it because it would add \$94 billion to the federal deficit.

House leaders hope to vote on the bill within the next few days. It would extend unemployment benefits for many people and a subsidy for health insurance benefits for the unemployed.

The measure also would extend a lot of tax breaks and would give states extra money to cover Medicaid costs.

S.D. County Added To Disaster Declaration

SIoux FALLS (AP) — The Federal Emergency Management Agency and the South Dakota Office of Emergency Management say Moody County has been added to the list of those eligible for aid under a federal disaster declaration.

President Barack Obama in mid-May declared a disaster for 30 South Dakota counties in the wake of spring flooding. The federal government will cover three-quarters of the costs of emergency work and repairs.

Other counties eligible for aid are: Aurora, Beadle, Brown, Brule, Buffalo, Charles Mix, Clark, Clay, Codington, Day, Edmunds, Faulk, Grant, Hamlin, Hanson, Hutchinson, Hyde, Jerauld, Kingsbury, Lyman, Marshall, McCook, McPherson, Miner, Roberts, Sanborn, Spink, Sully, Turner and Union.

S.D. PUC Considers Black Hills Rate Hearing

PIERRE (AP) — State utility regulators struggled Thursday to decide the scope of a hearing they will hold on Black Hills Power's request to raise electrical rates for customers in western South Dakota.

The three members of the Public Utilities Commission discussed the issue Thursday with lawyers representing parties in the case. They intend to decide Tuesday how extensive the final hearing will be.

Black Hills Power has reached a settlement with a group of industrial businesses and the commission's staff, who are separate from the three elected commissioners. Those three parties want a commission hearing, set for June 28, to be based on that settlement.

The proposed settlement would limit the issues to be considered before the commission decides on a rate increase.

A group of three residential customers and the South Dakota Peace and Justice Center have not agreed to the settlement. They contend a full hearing should be held based on Black Hills Power's original rate application.

PUC Chairman Dusty Johnson wants the hearing to be based on the proposed settlement, with testimony focused on those issues still in dispute among the parties.

Black Hills Power originally sought rate increases that would have boosted rates by more than 26 percent for about 64,000 customers.

The settlement would raise electric rates for residential customers by 19 percent. Industrial customers would pay 22 percent more, while smaller business customers would pay 18 percent more. An average residential customer, using 600 kilowatt hours a month, would pay an additional \$10.99 a month under the settlement.

The proposed settlement would allow Black Hills Power to recover costs related to the Wygen III coal-fired power plant it built in Wyoming. The group of residential customers argue that the plant was not needed.

During Thursday's meeting, Johnson said if the final hearing is based on the proposed settlement, the group of residents could still question the power company's witnesses and present their own witnesses and evidence.

Sam Khorroosi of Sioux Falls, a lawyer representing the three residential customers, said he intends to ask the PUC to deny any kind of rate increase in the case.

\$1.6M Fine Proposed In S.D. Workplace Death

SIoux FALLS (AP) — The Occupational Safety and Health Administration is proposing a \$1.6 million fine against South Dakota Wheat Growers following the death of an employee in a grain bin. OSHA says its investigation found 23 alleged willful violations of grain handling and confined space standards.

South Dakota Wheat Growers says it is reviewing the report. It has 15 days to pay the fine, challenge OSHA's findings or ask for an informal conference with the regional office.

Chief Operating Officer Richard Bentley says Aberdeen-based Wheat Growers cooperated with OSHA during its investigation and is committed to providing a safe workplace.

The worker suffocated Dec. 22 when he was covered with grain inside a storage bin at McLaughlin.

Mitchell Man Dies In Two-Vehicle Crash

MITCHELL (AP) — A Mitchell man died in a two-vehicle crash northwest of the city.

The Highway Patrol says 27-year-old Brian Fitzgerald died when his car collided with a pickup truck at a rural intersection in Davison County about 1 p.m. Wednesday.

The patrol says Fitzgerald failed to stop at a stop sign. He died at the scene.

The driver of the pickup was not hurt.

Man Sentenced In S.D. Horse Theft Case

PIERRE (AP) — A Fort Pierre man will spend the Fourth of July holiday during each of the next three years in jail for mistreating a rodeo barrel-racing horse during last year's July Fourth celebration. Magistrate Judge Mark Smith ordered 23-year-old Flint Dahl to serve five days behind bars over the holiday each year.

Dahl pleaded guilty to inhumane treatment of an animal under a plea agreement with prosecutors that included misdemeanor charges from three other cases. He initially had also faced a felony grand theft charge in the horse case.

Dahl also agreed to pay \$25,000 in restitution to horse owner Wendy Halweg for Dually's injuries. Halweg in return agreed not to sue Dahl. But she says Dually will never compete again.

Neb. Candidates Warned Not To Use Seal, Flag

LINCOLN, Neb. (AP) — Nebraska political candidates are being cautioned that the state's official seal is off limits for campaign purposes.

Secretary of State John Gale says the seal may only be used for government business and education, not for political or campaign purposes. Use of the seal must be approved by his office.

Gale says rules on using the state seal also apply for Nebraska's flag, which incorporates the seal.

The warning issued Thursday comes after several candidates in the May primary used the seal in their campaign websites. Gale says his office notified these candidates that doing so was inappropriate.

Omaha Parents File \$3.3M Claim Over Bully

OMAHA, Neb. (AP) — A group of parents who say their children were bullied by a peer have filed a multimillion dollar claim against Omaha Public Schools.

The parents say in their tort claim that they complained to Oak Valley Elementary officials about a student bullying their children, but the student was never disciplined. The filing details alleged verbal and physical assaults on three children since 2007.

The parents are seeking almost \$3.3 million in damages. The claim is the first step in bringing a civil lawsuit against the district. The school district has 60 days to respond.

A message left late Thursday for a district spokeswoman was not immediately returned.

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ACLU Calls On Neb. District To Skip Residency Rule

BY **TIMBERLY ROSS**
Associated Press Writer

OMAHA, Neb. — A school district's new policy requiring students to prove they are legal residents of the district should be scrapped because all children have the right to a free public education, the American Civil Liberties Union said in a letter dated Thursday.

In its letter to Schuyler Community Schools Superintendent Robin Stevens, the ACLU wrote that the policy "could discourage parents from registering their children," particularly among homeless, low-income and immigrant families.

The policy imposes a one-week deadline for parents to provide documentation of a student's residency and threatens criminal prosecution and expulsion for giving false information. Parents who lie about residency would also be charged tuition for the time their children have already spent in school.

The letter said the policy violates states and federal law providing children access to free public education. It calls for the district to abandon the policy change and use a state form to document residency.

"Federal law says clearly that all children, whether they are citizens or not and whether they are here legally or not, must be given a free public education," the letter states. Stevens said Thursday that the district's attorney didn't see a problem with the policy, which was passed Monday by the school board. Stevens said he thought the vote was the first of two required for a policy to be enacted.

ACLU Nebraska legal director Amy Miller said the residency form that parents and guardians are required to complete under the policy is vague. She said she believes the district is trying to make sure students live within district boundaries, but it could also be interpreted to mean legal U.S. residency.

A draft of the residency form says parents and guardians must verify their students' residency when entering kindergarten, and fourth and ninth grades, and when transferring to the district. The completed form must be accompanied by three documents establishing residency, such as a utility bill, bank statement, vehicle registration, tax return or driver's license.

Schuyler is among a handful of Nebraska cities that have seen marked demographic changes primarily because of an influx of Hispanic workers at meatpacking plants.

Libertarians Join Lawsuit Over Neb. Petition Rules

OMAHA, Neb. (AP) — The Libertarian Party of Nebraska has joined a federal lawsuit against the state over its petition signature requirements for ballot initiatives and independent candidates.

The lawsuit was filed in U.S. District in December by the American Civil Liberties Union.

The filing says changes made in 2007 and 2008 to state law are keeping independent candidates and ballot initiatives off the Nebraska ballot, violating protected political speech. The changes increased the number of petition signatures required for independent candidates to get on the ballot and requires all petition circulators to be electors of the state of Nebraska.

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