

MIDWEST DIGEST

Neb. Passes Resolution Opposing Mandates

LINCOLN, Neb. (AP) — The Nebraska State Board of Education has approved a resolution that doesn't mention Medicaid but does ask the governor and lawmakers to oppose unfunded mandates.

The resolution approved Thursday says unfunded mandates should be opposed to protect education funding.

Gov. Dave Heineman had asked education groups to support the repeal of federal health care reform or he would assume they tacitly support a reduction in education funding. A state-commissioned study says state Medicaid costs will increase by hundreds of millions of dollars.

Another study says the cost will be much less.

Board of education member Bob Eymen of Lincoln had introduced a resolution that mentioned Medicaid. But he changed the resolution after a board discussion Wednesday.

S.D. Share Of Allergan Settlement Is \$153,000

SIOUX FALLS (AP) — Attorney General Marty Jackley says the South Dakota Medicaid program will be reimbursed about \$153,000 under a settlement between Allergan Inc. and the federal government and states over how the company markets Botox.

Allergan agreed to pay \$600 million to settle a federal investigation into the marketing of its wrinkle-smoothing drug Botox. The U.S. Justice Department says Allergan acknowledged marketing Botox to physicians for unapproved uses including headaches, crossed eyes and underarm sweating.

The investigation was sparked by a whistleblower complaint.

VeraSun Asking For Repayment Of Funds

SIOUX FALLS (AP) — Farmers who sold corn to bankrupt ethanol producer VeraSun Energy Corp. have been receiving letters asking for repayment of funds due to "bankruptcy preference."

The Iowa State University's Center for Agricultural Law and Taxation says the letters are telling growers who sold corn to VeraSun in the 90 days before it filed for Chapter 11 bankruptcy protection that they have until Sept. 30 to repay 80 percent of what VeraSun paid them for their corn.

National and state corn growers associations are telling their members they might have defenses and they should consult with an attorney.

Sioux Falls-based VeraSun filed for bankruptcy in October 2008 after tightening credit markets erased its lifeline to weather the swings in corn and fuel prices.

Landfill Fire Flares Up In Pierre

PIERRE (AP) — A fire at the Pierre City Landfill flared up Thursday morning, after firefighters had used 65,000 gallons of water and 35 gallons of foam to extinguish the blaze the previous afternoon.

KCCR says gusty winds reignited some areas of the fire scene about 6 a.m., forcing crews to return.

The blaze burned for more than three hours Wednesday afternoon. Fire Chief Bill Alexander said the rubble pile included home construction materials such as Sheetrock, wood and lumber, and flames sometimes shot 20 feet into the air.

Firefighters used two bulldozers and an excavator to push other garbage piles away from the fire and to pull apart the burning pile.

Former Morrill County, Neb., Assessor Fined

BRIDGEPORT, Neb. (AP) — A former assessor for Morrill County has been fined \$750 for her official misconduct while in office.

Court documents say 74-year-old Sue Nussbaum, of Broadwater, pleaded guilty to the misdemeanor count on Wednesday. Judge Randin Roland of Morrill County Court ordered the fine.

Nussbaum resigned in January 2009 after the state Department of Revenue told the Morrill County Commission that Nussbaum's "willful failure or refusal" to perform her duties had resulted in irregularities in the county's assessment practices.

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Judge To Decide Fremont Query For Neb. Court

BY **TIMBERLY ROSS**
Associated Press Writer

OMAHA, Neb. — A federal judge will decide on which legal question to submit to the Nebraska Supreme Court over a Fremont immigration ordinance after attorneys involved in the court fight couldn't agree.

Motions filed late Wednesday in U.S. District Court in Nebraska say the two sides were unable to reach a consensus in a conference call a day earlier, so each has submitted a proposed question for U.S. District Judge Laurie Smith Camp's consideration. It's unclear when she would decide.

The American Civil Liberties Union of Nebraska and the Mexican American Legal Defense & Educational Fund, also known as MALDEF, have sued the city of Fremont over its voter-approved ban on hiring and renting to illegal immigrants. The groups, whose law-

suits have been combined, say the ordinance is discriminatory and contrary to what is allowed by state law.

Smith Camp has said she wasn't sure which court should hear the lawsuits because they suggest the ordinance violates both state and federal laws. She set a Wednesday deadline for attorneys to craft the language of a question to be answered by the Nebraska Supreme Court that would indicate whether the ordinance is valid under state law.

Attorneys for the ACLU and MALDEF proposed asking whether Fremont had the authority under state law to enact the ban, court filings show.

Fremont attorneys suggested, in court filings, asking whether cities have the power under state law to enact restrictions on who can rent apartments and be hired by businesses. Attorneys for ACLU and MALDEF

posed this as their alternate question.

Fremont voters approved the ordinance in June. 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.

Landlords who knowingly rent to illegal immigrants could be subject to \$100 fines.

Faced with expensive legal challenges, the city council has suspended the ban until its legality is decided in court.

Hot Springs Father Is Sentenced In Crash That Killed Children

HOT SPRINGS (AP) — A Hot Springs man has been sentenced to serve 15 years in prison for a crash that killed his two 6-year-old children.

Twenty-nine-year-old Clinton Phelps was convicted of drunken driving in the Aug. 24, 2009, crash on S.D. Highway 71.

Authorities said Phelps' vehicle left the road and rolled, and both

children were thrown.

Faralynn Phelps died at the scene. Her brother, Adrian, died later in a Rapid City hospital.

Clinton Phelps suffered injuries that were not life-threatening.

KQSK reports that Phelps was given two 15-year prison sentences to be served at the same time.

Chilton Retiring, Leaving Post At Offutt

OFFUTT AIR FORCE BASE, Neb. (AP) — The Air Force says the commander of the U.S. Strategic Command is retiring.

In a news release Thursday, Gen. Kevin Chilton said that after 34 years of service, "it's time to close this chapter of my career."

The Air Force says President Barack Obama has nominated Air Force Gen. C. Robert "Bob" Kehler (KAY-luhr) to replace Chilton at Stratcom, which is

based at Offutt Air Force Base south of Omaha.

Kehler is commander of the U.S. Air Force Space Command at Peterson Air Force Base in Colorado Springs, Colo.

No date has been set for the change of command.

Besides nuclear weapons command and control, StratCom missions include space and missile defense for all branches of the U.S. military.

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In honor of the hardworking men and women who play such an important part in the strength and success of our company and our country, we celebrate Labor Day.

I offer my sincere appreciation to all the employees, drivers and carriers of the Yankton Daily Press & Dakotan.

Gary Wood
Editor and Publisher

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