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# Coturday December 7

#### Saturday, December 26

**Birthday:** Ben Peterson 4:30pm: St. Elizabeth Ann Seton Catholic Church Mass

#### Sunday, December 27

**Birthdays:** Rayne Baker, Raymond Alberts, Jane Johnson, Emily Overacker, Karla Pasteur

9:00am: St. Elizabeth Ann Seton Catholic Church Mass

9:00am: St. John's Lutheran Worship

10:00am: Heaven Bound Ministries worship at Pierpont Church

10:15am: Emmanuel Lutheran texts and carols 11:00am: United Methodist Church Worship 1:00pm: James Lowery birthday

3:00pm: Heaven Bound Ministries worship at Golden Living Center

#### Monday, December 28

No School

**Senior Menu:** Beef stew, buttermilk biscuit, waldorf salad, sherbet.

**Birthdays:** Tracey Heidrich, Sharon Tullis, Jaden Dobbins, Meredith Anderson

6:30am: Emmanuel Lutheran Bible Study

#### **Tuesday, December 29**

No School

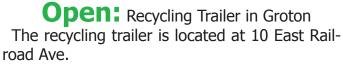
**Senior Menu:** Roast pork, baked potato with sour cream, squash, molasses cookie, whole wheat bread.

**Birthdays:** Adam Herman, Barbara Stauch • Connie Stauch • Nicole Osterman • Delbert Hinkelman • Brady Keith • Melissa Locke

10:00am: United Methodist Women's Bible Study

#### Wednesday, December 30

No School



# The cardboard/paper

recycling trailer at the school is **Open** © 2015 Groton Daily Independent



# Saturday, Dec. 26, 2015 + Vol. 20 - No. 155 + 2 of 27

### Some **Kindergarten** Students . . .

### What Christmas means to them

. . .



Braeden Fliehs, son of Lance and JoAnn Fliehs, Groton, Christmas means Jesus' birthday and it is about having a great time.



Baron Fischbach, Groton, son of Justin Fischbach, Christmas is setting up our Christmas tree and putting ornaments. You can put lights on the wall and on the Christmas tree



Quinn Cogley, son of Steve and Michele daughter of Mike and Cogley, Claremont, Christmas is all about joy and having fun and presents.



Journey Zieroth, JoAnn Nehls, Groton, Christmas is about giving presents and Jesus' birthday.

and Casey Gonsoir,

Groton, it is about

presents and Christ-

NEW CONSTRUCTION

REMODELING HOOP BARNS

(605) 226-4062



Saturday, Dec. 26, 2015 + Vol. 20 - No. 155 + 3 of 27



The Bob and Shirley Meister home at 602 N 4th St. took third place in the holiday lighting contest sponsored by the city. They will receive a a\$25 credit next month on their utility bill.



The Brett and Anna Schwan home at 237 E 2nd Ave. has colorful lights on their deck.

# Saturday, Dec. 26, 2015 • Vol. 20 - No. 155 • 4 of 27 Paying Down Debt To Make College More Affordable

#### A column by Gov. Dennis Daugaard:

About 15 years ago, Linda and I added a small addition to our house near Dell Rapids. We took out a small mortgage on our home to pay for that improvement. Until about three years ago, we were making a monthly payment against that debt. Every once in a while, when we had extra cash, we paid more than was required so that we could pay it off faster.

When state government builds a building, we "issue bonds" rather than "take out a mortgage." But it works in basically the same way. The state commits to making regular payments for many years to repay these debts. And if we repay early, we can stop making the payments.

A couple of years ago, our state received some unexpected, one-time revenue. I joined with the Legislature to dedicate that money to early repayment of tens of millions of dollars in debt. The payments we'd been making were repurposed to increase state aid for K-12 schools, Medicaid providers and state employees.

This year, I am proposing something similar. Our state's rainy day funds have increased beyond our targets, and the state again has some one-time revenues. In my budget, I proposed that the state use \$42 million to repay debts from building projects at our state universities and technical schools.

The state universities and the technical institutes will no longer need to make payments against these debts. They have committed to use the annual savings to avoid increasing tuition. If my budget proposal is adopted, tuition and fees will be frozen – there will be no increase next fall.

We all read about the increasing cost of education and about student loan debt. We do not want students to be forced to leave school because they cannot afford it, or to graduate with a too-heavy debt load. The best way to avoid that is to make school more affordable by holding down tuition.

This is a very wise use of a one-time windfall in state money. We cannot use these funds to pay for ongoing costs, such as teacher salaries or Medicaid payments. The best use of one-time funds is to pay off a debt, secure an asset, or create an asset. By eliminating these debts this year, we are making college more affordable and putting our state on a stronger financial footing, for years to come.

# Saturday, Dec. 26, 2015 + Vol. 20 - No. 155 + 5 of 27

# South Dakotans Appointed to Cattlemen's Beef Board

WASHINGTON, Dec. 22, 2015 - Agriculture Secretary Tom Vilsack has appointed 37 members to the Cattlemens Beef Promotion and Research Board. Thirty-six appointees will serve 3-year terms and one appointee will serve a 1-year term.

South Dakotans appointed to the board are Eric J. Sumption, Frederick, S.D. and Tammy Basel, Union Center, S.D. They are filling positions previously held by Linda Gilbert of Buffalo, and Danni Beer of Keldron, SD who both completed two, three year terms. Currently serving on the CBB representing South Dakota are Vaughn Meyer, Reva and Gary Sharp, Bath, SD.

According to a press release from USDA, the 100-member board is authorized by the Beef Promotion and Research Act of 1985 and are responsible for oversight and management of the Beef Check-off funds. The Secretary selects the appointees nominated by beef, veal, dairy, and importers-certified organizations. The board contracts with established national, non-profit, industry-governed organizations to implement programs of promotion, research, consumer information, industry information, foreign marketing, and producer communications.

Research and promotion programs are industry-funded and were authorized by Congress in 1966. Since then, Congress has authorized the establishment of more than 20 research and promotion boards. They empower farmers and ranchers to leverage their own resources to develop new markets, strengthen existing markets, and conduct important research and promotion activities. AMS provides oversight, paid for by industry assessments, which ensures fiscal responsibility, program efficiency, and fair treatment of participating stakeholders.

Newly appointed members representing cattle producers in other states are: Mary Jo Rideout, Red Rock, Ariz.; Hugh Sanburg, Eckert, Colo.; Cindy Greiman, Garner, Iowa; Stephanie Dykshorn, Ireton, Iowa; DJ Edwards, Hamilton, Kan.; Randall W. Debler, Alma, Kan.; Amelia Kent, Slaughter, La.; Ken Blight, Albion, Mich.; Theodore Daniel Reichmann, Villard, Minn.; Larry Jefcoat, Soso, Miss.; David B. Hutsell, Hartville, Mo.; Joan Ruskamp, Dodge, Neb.; Kristy Lage, Sutherland, Neb.; Bill King, Moriarty, N.M.; Robert Crabb, Jr., Siler City, N.C.; Brett Morris, Ninnekah, Okla.; Larry Cunningham, Spring City, Tenn.; Charlie Price, Oakwood, Texas; Charlie Risinger, Terrell, Texas; Dave Edmiston, Brady, Texas; Don Smith, Sulphur Springs, Texas; Wallace J. Schulthess,Woodruff, Utah; Keith York, Lake Geneva, Wis.; Bob Mitchell, Wauzeka, Wis.; Irvin J. Petsch, Meriden, Wyo.; Jack Parent, Swanton, Vt.; William L. McLean (1-year term), Coulee City, Wash.; C.W. Senn, Jr., York, S.C.; Melvin Medeiros, Laton, Calif.; Ruby L. Uhart, Wells, Nev.; and Rocky Pinheiro, Glenn, Calif.

Newly appointed members representing beef importers are Danielle Rind, Seattle, Wash.; Terry Meikle, Washington, D.C.; and Tom Healey, Minneapolis, Minn.

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#### **Boys beat Eureka-Bowdle**

The Groton Area Boys basketball team defeated Eureka-Bowdle in action played Dec. 22 at Northern State University, 61-41. Sean Schuring and Hunter Lerew each had 14 points, Bennett Shabazz had 12, Seric Shabazz nine, Anthony Sippel and Jackson Oliver each had three, and Adam Herman, Brandon Keith and Aaron Severson each had two. Lerew had nine of the team's 27 rebounds and four blocks, Bennett Shabazz had four of the team's 13 assists, Seric Shabazz had five the team's 12 steals and Groton had 14 turnovers. The Tigers made 47 percent of their field goals and was five of six from the line. Making three-pointers were Bennett Shabazz with four, Sean Schuring three, and one each were Seric Shabazz, Anthony Sippel and Jackson Oliver.

	TOT-FG 3-PT				REBOUNDS												
NO EUREKA-BOWDLE	Ρ	FG	FGA	FG	FGA	FΤ	FTA	OFF	DEF	TOT	PF	ΤP	A	ТО	BK	S	MIN
20 Maier, Jordan	*	1	8	1	3	0	0	2	1	3	2	3	0	5	0	3	24:00
21 Moser, Austin	*	0	6	0	2	2	2	2	2	4	3	2	0	3	0	0	24:00
24 Ackerman, Logan	*	3	5	1	2	1	2	1	7	8	1	8	1	9	0	0	23:59
31 Aman, Alex	*	3	6	0	0	1	2	0	1	1	1	7	1	1	0	0	32:00
44 Kappeman, Cole	*	3	4	0	0	0	0	0	0	0	2	6	0	2	0	1	16:01
11 Deurmier, John		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0:00
23 Kolar, John		5	6	1	2	0	0	0	2	2	1	11	1	2	0	1	16:00
30 Kunz, Jackson		0	1	0	0	2	2	0	2	2	0	2	0	2	0	0	24:00
42 Fauth, Tucker		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0:00
50 Erichson, Oliver		0	0	0	0	2	2	0	0	0	0	2	0	0	0	0	8:00
TEAM REBOUNDS								1	0	1				0			
Team Totals		15	36	3	9	8	10	6	15		10		3	24	0	5	168
Total FG% - 1st: 7/15		.46		2nd:		/21		381	Game		0.43					eadb	
3-PT FG% - 1st: 2/3		.66		2nd:		L/6		167	Game		0.33				Re	ebou	
Total FT% - 1st: 3/4	С	).75	50 2	2nd:		5/6	0.8	833	Game	€:	0.80	00				(1,	0)
				2	חת			זת		IDO							
NO GROTON AREA	Р	FG	FGA		-PT FGA	FΤ	FTA		EBOUN DEF	TOT	PF	ΤP	A	то	BK	S	MIN
12 Schuring, Sean	F	4	12	3	1 GA 9	3	4	3	3	6	2	14	2	10	0	3	32:00
40 Lerew, Hunter	С	7	10	0	0	0	- 0	1	8	9	4	14	2	4	4	0	8:00
4 Shabazz, Bennett	G	4	8	4	5	0	0	3	2	5	4	12	4	4	0	1	16:00
5 Shabazz, Seric	G	4	7	1	2	0	0	1	2	3	2	- 2	2	3	0	5	24:00
11 Herman, Adam	G	1	6	0	1	0	0	0	0	0	1	2	2	1	0	3	0:00
3 Sippel, Anthony	0	1	1	1	1	0	0	0	0	0	0	3	0	0	0	0	8:00
10 Lane, Marshall		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16:00
20 Keith, Brandon		1	4	0	3	0	0	1	0	1	2	2	1	0	0	0	32:00
22 Oliver, Jackson		1	1	1	1	0	0	0	0	0	1	3	0	0	0	0	0:00
50 Severson, Aaron		0	0	0	0	2	2	2	0	2	0	2	0	1	0	0	24:00
TEAM REBOUNDS								0	1	1				0			
Team Totals		23	49	10	22	5	6	11	16	27	16	61	13	14	4	12	160
Total FG% - 1st: 13/28	С	.46	54 2	2nd:	10	)/21	L 0.4	476	Game	):	0.4	69			De	eadb	all
3-PT FG% - 1st: 6/13	С	.46	52 2	2nd:	2	1/9	0.4	444	Game	):	0.4	55			Re	ebou	nds
Total FT% - 1st: 3/4	С	.75	50 2	2nd:	2	2/2	1.0	000	Game	):	0.83	33				(1,	0)

SCORE BY PERIODS	1st	2nd	3rd	4th	TOTAL
Eureka/Bowdle	8	11	11	11	41
Groton	18	17	10	16	61

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Here is how the Schwan's fundraiser works.

Customers phone in the order or order online They use the code. 25179

If they regularly order online they are asked if they want to contribute to a fundraiser

That is when they put the code in.

Between Dec 2 and Jan 16, we will earn 20% of sales If a customer orders an ecertificate-and online gift card we get \$10 for the \$25 ecertificate.

When you get an ecertificate, you can go in and purchase right away or you can print it out if you want to give it as a gift or save it for later. Customers are limited to one ecertificate...BUT if you use an alternate email address you can purchase more than one

If you are not a regular Schwan's customer, when you place your order they will tell you what day And approximate (2 hour) time they plan to deliver.



# Support Us

# Giving back to your community never tasted so delicious.

Schwan's Home Delivery offers over 350 delicious foods, flash-frozen at the peak of freshness and conveniently delivered to your door. Through Schwans-Cares.com, you can order from Schwan's Home Delivery and help our organization meet its fundraising goals. When you order by January 16th, 2016, 20% of product and 40% of eGift Card sales will go back to the organization.

Here are two ways to support us!

Order Online:

- 1. Visit Schwans-Cares.com
- 2. Enter Campaign ID: 25179 into the search box located in the upper right hand corner then click to open campaign.
- 3. Click "Shop to Give" and then select either the "Buy Now" or "Shop Now" option.
- 4. Select team member, if applicable
- 5. Start shopping!

#### Order by Phone:

Call 1-855-870-7208 and provide Campaign ID: 25179

Thank you for your support! © 2014 Schwan's Home Service, Inc. All rights reserved, 0301

Shop online at Schwans-Ca or call 1-855-870-7208



You can be a one time customer and support us. If you order online you must give them a credit card number, however you can switch payment at the door.

It took me a few fundraisers to realize that if I purchase during the first 45 days I contribute 20% and save my ecertificates for after the Jan 16 date, duh! Before that I was purchasing ecertificates and using them right away.

Our greatest income will be during this 45 day period. After that we will earn 5% until April 16.

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#### **Today in Weather History**

1776 - George Washington crossed the ice clogged Delaware River. He marched on Trenton in the midst of snow and sleet thus surprising and capturing many of the British garrison. (David Ludlum)

1947 - New York City received a record 26.4 inches of snow in 24 hours, with as much as 32 inches reported in the suburbs. The heavy snow brought traffic to a standstill, and snow removal cost eight million dollars. Thirty thousand persons were called upon to remove the 100 million tons of snow. The storm claimed 27 lives. (26th-27th) (David Ludlum)

1983 - Miami, FL, established a December record with a morning low of 33 degrees. Just three days earlier, and again three days later, record warm temperatures were reported in Florida, with daytime highs in the 80s. (The National Weather Summary)

1987 - Freezing rain plagued parts of the south central U.S., from northwest Texas to southwestern Missouri. Southwestern Missouri was turned into a huge skating rink as roads became sheets of ice. Damage to tree limbs and power lines compared to a hundred tornadoes, and half of the city of Springfield was left without electricity for 24 hours. Snow, sleet and ice covered the northwest two thirds of Oklahoma. 75,000 homes were left without electricity as ice accumulated one to two inches in a 40-mile band from Duncan to Norman to Tulsa to Miami. 25,000 of those homes were still without power a week later. The storm claimed the lives of seven persons. (24th-27th) (The Weather Channel) (Storm Data) (The National Weather Summary)

1988 - Low pressure produced heavy snow from North Dakota to western sections of the Great Lakes Region, with up to fourteen inches reported in the Chicago area. Cold arctic air hovered over the Plateau Region. Temperatures in the Big Smokey Valley of Nevada plunged to 31 degrees below zero. (The National Weather Summary)

1989 - Strong northerly winds behind an arctic cold front produced snow squalls in the Great Lakes Region and dangerous wind chill temperatures in the northeastern U.S. Wind chill readings as cold as 40 degrees below zero were reported in New York State. (The National Weather Summary) (Storm Data)

2003 - A major snow storm in Utah caused several fatalities due to avalanches. As much as 2 ft of snow fell in parts of the state, particularly south of Salt Lake City. Three people that were seen snowboarding in the Aspen Grove recreational area have been presumed dead, all others managed to escape or be rescued (Reuters).

# 2016 DOG LICENSES AVAILABLE NOW!!

Licenses due by Dec. 31, 2015

**Fines start after Dec. 31, 2015** Dogs CAN NOT be licensed without pro-

viding updated rabies shot information, please bring records for each dog to City Hall

Please contact City Hall as soon as possible if you no longer have any dogs

Spayed or neutered dogs are \$5 per dog, otherwise \$10 per dog

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Snow and blowing snow will diminish through the day as the responsible low pressure trough slides east. Total accumulations of 3 to 9 inches are expected.

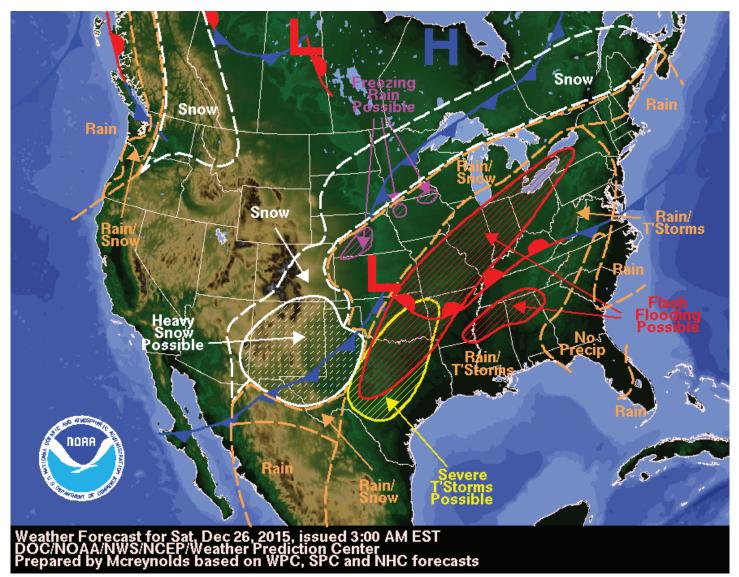
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# Yesterday's Weather

High: 25.8 at 11:54 PM Low: 13.0 at 8:25 AM High Gust: 20 at 11:31 PM Precip: 0.00

# Today's Info Record High: 54° in 1907

Record High: 54° in 1907 Record Low: -29° in 1990 Average High: 23°F Average Low: 3°F Average Precip in Dec.: 0.43 Precip to date in Dec.: 0.55 Average Precip to date: 21.63 Precip Year to Date: 20.37 Sunset Tonight: 4:56 p.m. Sunrise Tomorrow: 8:12 a.m.





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### A GIFT WORTH RECEIVING

"Mommy," asked a small child, "how long did Baby Jesus stay in the manger?"

Puzzled, the mother answered. "Not too long, I would imagine."

Unfortunately, there are far too many individuals who leave Jesus in the stable, seeing His birth as an end, not the beginning. Not everyone realizes that this day is the day that the journey to the cross actually began on earth. This One who was born on this day of days is often left wrapped in swaddling clothes, lying in a manger. It seems that many have no understanding of the spiritual significance or importance of Christmas.

But for those of us who accept and acknowledge Christ as our Savior, we rejoice and say with the Apostle Paul, "Thank God for His Son – a gift too wonderful to describe!"

This Gift is the gift of God Himself: His only begotten Son. It is the source of His grace, the expression of His mercy, the revelation of His plan, the meaning of His purpose, the passion of His love, the assurance of His presence and the provision for our salvation. He knew what we needed then and what we need now. In Him we have faith to fight our fears and hope for a life in His presence. "Too wonderful" indeed.

**Prayer:** Thank You, Father, for this Gift we do not deserve, but could not live without. In Jesus' Name, Amen.

Scripture for Today: 2 Corinthians 9:15 Thanks be unto God for his unspeakable gift.

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# News from the Associated Press

### Winter storm brings snow to most of SD; gusts to follow

SIOUX FALLS, S.D. (AP) — A winter storm system that is moving through the region has blanketed South Dakota, with the southeast portion of the state seeing the highest snow accumulations.

Tim Masters with the National Weather Service in Sioux Falls says snow accumulations in the southeast corner ranged from 5 to 10 inches. Portions of central South Dakota woke up Saturday to find around 8 inches of snow on the ground, while other areas in the northeast part of the state only saw an inch.

Masters says snow should stop falling around noon, but it will be followed with wind gusts of up to 30 mph that will cause blowing and drifting snow, particularly in rural areas.

A winter storm warning covering much of the state is set to expire at 6 p.m. Saturday.

#### Federal officials work to extradite alleged lottery scammers DAVE KOLPACK, Associated Press

FARGO, N.D. (AP) — Jamaican lottery scammer Sanjay Williams got off a plane in Charlotte, North Carolina, in June 2013, on his way to meet with the people who moved money for him. He was promptly arrested by U.S. law enforcement authorities, convicted in May and sentenced to 20 years in a U.S. prison.

While the arrest on American soil spared authorities from extraditing Williams, rounding up his associate in the wide-ranging operation — and 13 other suspects still believed to be in Jamaica — is proving to be more onerous.

Authorities say Lavrick Willocks and Williams ran sophisticated schemes that bilked more than 70 mostly elderly people in the United States out of more than \$5.6 million. He's facing numerous charges in federal court — including conspiracy, money laundering, mail fraud and wire fraud. The process to extradite Willocks began two years ago, but authorities say he is currently building a third story onto his mansion in Jamaica.

Federal authorities from North Dakota met with Jamaican officials in October to discuss the progress on the extradition process, which can be complicated, according to Clare Hochhalter, the assistant U.S. attorney from North Dakota who is the lead prosecutor.

"We believe Jamaica will be receptive to the requests," Hochhalter told The Associated Press. "Historically, we're told Jamaican defendants have often waived extradition to the U.S."

Jamaican lottery scams have been happening for years, but it's believed that no cases of this magnitude have been prosecuted. The case began when an FBI agent from North Dakota, Frank Gasper, interviewed a Harvey woman who said she was defrauded out of \$300,000 after someone called and told her she had won \$19 million and a new car, and needed only to pay taxes and fees.

The investigation led authorities to more than 70 victims throughout the country. Those subpoenaed for the Williams trial were from Madison and Pine Ridge, South Dakota, as well as Minnesota, Florida, Ohio, West Virginia, Utah, South Carolina, Alabama and California.

To bring the Jamaican defendants to court, American officials must provide so-called first person affidavits, which can include only what a witness saw, heard or personally experienced. It can also require multiple affidavits for each defendant.

Federal prosecutors in North Dakota mailed four boxes of affidavits and exhibits for the 14 defendants to the U.S. Justice Department's Office of International Affairs in mid-November. Once that office finishes its review, the information will be passed on to U.S. State Department and then to Jamaican officials.

Hochhalter said he expects "movement by at least some of the defendants" in early 2016.

The 20-year sentence for Williams, who argued repeatedly with the judge and his own lawyer and filed numerous letters complaining about the American judicial system, could lead some of the suspects to fight extradition, Hochhalter said.

The first lottery scam suspect to be extradited was Damion Barrett in January, according to the Jamaica Constabulary Force. A federal judge in Florida sentenced Barrett in June to nearly four years in prison after he pleaded guilty to conspiracy to commit mail fraud.

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# SDSU basketball team to visit Sanford Children's Hospital

SIOUX FALLS, S.D. (AP) — The South Dakota State men's basketball team plans to visit Sanford Children's Hospital on Saturday ahead of the team's Sunday game against Middle Tennessee State.

Team members are scheduled to visit the Sioux Falls hospital from 11 a.m. to noon and deliver gifts, posters and basketballs to the children.

The Jackrabbits face the Blue Raiders Sunday at the Sanford Pentagon in Sioux Falls.

# 2 South Dakotans appointed to Cattlemen's Beef Board

SIOUX FALLS, S.D. (AP) — Two South Dakota residents have been appointed to the Cattlemen's Beef Promotion and Research Board.

Agriculture Secretary Tom Vilsack appointed Eric J. Sumption, of Frederick, and Tammy Basel, of Union Center, to the board along with 35 others from different states.

The 100-member board is authorized by the Beef Promotion and Research Act of 1985 and is responsible for oversight and management of the Beef Check-off funds.

Sumption and Basel are filling positions previously held by Linda Gilbert, of Buffalo, and Danni Beer, of Keldron, who both completed two, three-year terms.

Vaughn Meyer, of Reva, and Gary Sharp, of Bath, are currently representing South Dakota on the board.

#### Daugaard to speak in Pierre on Medicaid expansion, budget

PIERRE, S.D. (AP) — South Dakota Gov. Dennis Daugaard will be speaking in Pierre about Medicaid expansion and his budget plan set to be considered in the upcoming legislative session.

Daugaard will discuss the measure on Monday.

The Republican governor outlined the \$4.8 billion budget earlier in December. The proposal includes increases to higher education, Medicaid providers and state workers, among other areas.

Daugaard has also proposed expanding the Medicaid program for low-income and disabled people if some conditions are met.

Daugaard has said the state's cost for expanding Medicaid would have to be covered by savings to move forward.

#### Couple seeking to undo their divorce get turned down LYNNE TUOHY, Associated Press

CONCORD, N.H. (AP) — Should those irreconcilable differences suddenly become reconcilable, don't go looking to get un-divorced in New Hampshire.

The state's Supreme Court this month upheld a lower court ruling refusing to vacate a New Castle couple's 2014 divorce after 24 years of marriage.

Terrie Harmon and her ex-husband, Thomas McCarron, argued on appeal that their divorce decree was erroneous because they mended fences and are a couple once more. But the justices, in a unanimous ruling issued Dec. 2, said the law specifically allows them to grant divorces — not undo them.

Courts in some states — including Illinois, Nebraska, Mississippi, Arkansas, Maryland and Kentucky — will vacate divorces within a certain time frame or under certain circumstances, at the parties' request. Others — including New York and South Dakota — maintain they, like New Hampshire, have no statutory authority to undo a divorce.

Attorney Joshua Gordon, appointed to defend the lower court's ruling, said allowing the couple's divorce to be undone could jeopardize the finality of all divorces.

"Divorce is a uniquely fraught area of litigation," Gordon argued. "For divorced couples, it is often important to have the solace of knowing that their former spouse is indeed former."

Harmon and McCarron did not return calls seeking the answer to the question: Why not just remarry? They were married in 1989 and filed for divorce in January 2014; the divorce decree was finalized in July that same year. In March, they filed a joint motion to vacate the decree.

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New Hampshire law does allow for divorces to be set aside for reasons of fraud, accident, mistake or misfortune. Gordon said that none of those circumstances happened in the Harmon-McCarron divorce and that any adverse financial consequences the couple claimed were "self-imposed."

He said it's his understanding they had several reasons for trying to vacate the decree.

"I think it was partly sentimental, and partly that they had some business interests that a divorce and remarry would be more complicated than undoing the divorce," Gordon said.

Harmon, a lawyer, argued in court papers that a couple shouldn't have to show the decree was legally flawed if they reconcile. She said that test is "designed to balance the interests of adverse parties," not those who want to get back together.

Attorney Kysa Crusco, head of the family law section of the New Hampshire Bar Association, said Harmon's argument was "creative" but the law and prior New Hampshire rulings are clear.

"People just have to be cautious in making sure divorce is what they really want," she said.

#### AP-Times Square poll: Shootings weighed on Americans in 2015 VERENA DOBNIK, Associated Press

NEW YORK (AP) — Mass shootings and attacks weighed heavily on the minds of Americans in 2015, according to a new poll that found most believe this year was worse for the world than last year. A look at the key findings of The Associated Press-Times Square Alliance poll:

#### PREOCCUPIED BY MASS SHOOTINGS

Americans say the most important events of 2015 were a string of mass shootings, including the attacks in San Bernardino, California, and Paris, plus Islamic State group atrocities.

Fifty-seven percent of those polled say this year was worse than the last year for the world as a whole, up from the 38 percent asked that question a year ago. Only 10 percent believe 2015 was a better year than 2014, while 32 percent think there wasn't much difference.

Americans also are much less likely than they were a year ago to believe that the current year was better for the United States — only 17 percent compared with 30 percent a year ago. Thirty-seven percent think this year was worse for the country than last year, while 44 percent don't think there was much difference.

On a personal level, fewer than a third (29 percent) believe 2015 was better for them than 2014, while 21 percent feel it was worse, compared with 15 percent in 2014.

Interviewed separately from the poll, Jason Pruitt, a 43-year-old corporate pilot from the Detroit area, said security concerns were a factor in deciding whether to take his wife and daughter along on a Christmas trip to New York.

"We were thinking about not coming this year, because of everything that's going on," Pruitt said. But they went ahead "because when you change your life, the terrorists win."

#### THREE EVENTS SHARE THE TOP SPOT

Of those polled, 68 percent listed mass shootings in the U.S. as very or extremely important news events this year, including the one in San Bernardino that heightened fears of domestic terrorism, plus shootings in Charleston, South Carolina; Roseburg, Oregon; and Chattanooga, Tennessee.

Close behind, at 64 percent, were the Paris attacks that ushered in 2015, targeting Charlie Hebdo and the Jewish market, then the Bataclan concert hall and other city sites in November.

And third, at 63 percent, came the Islamic State group's various far-flung atrocities.

Commenting on the completed poll was 32-year-old J.P. Fury, working in a food truck in Times Square. "At this point, I'm numb to all of it," he said. "This is nothing new. Every week there's a new shooting somewhere in America, and there's a new terrorist attack somewhere around the world."

#### OTHER ISSUES

Domestically, 44 percent of those polled rate as extremely or very important the deaths of blacks in encounters with police that sparked "Black Lives Matter" protests in Baltimore and Chicago.

Another 44 percent rate the deal reached to curtail Iran's nuclear program as important, and nearly as

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#### many (42 percent) Europe's migrant crisis.

Only 40 percent said the presidential race was important to them, with the Paris climate change conference right behind (at 38 percent), followed by the Supreme Court's legalization of gay marriage (36 percent) and the Cuban-U.S. thaw (30 percent).

#### RINGING IN THE NEW YEAR

Most Americans plan to celebrate New Year's Eve either at home (48 percent) or at the home of a friend or family member (20 percent). Nine percent plan to be at a bar, restaurant or organized event, while just under a quarter (22 percent) don't plan to celebrate at all.

A majority of Americans (56 percent) will watch the New Year's Eve events in Times Square, and 95 percent of those will see it on TV.

Those findings were similar to those of the past two years.

#### THE YEAR IN POP CULTURE

No single pop culture event of 2015 stands out, with fewer than four in 10 Americans rating any as memorable.

The eagerly awaited "Star Wars: The Force Awakens" was memorable only to 37 percent of those polled, and forgettable to 34 percent.

Bill Cosby's legal woes were memorable to 36 percent; forgettable to 33 percent.

Bruce Jenner becoming Caitlyn Jenner, with a highly orchestrated publicity campaign, was forgettable to 52 percent, and Taylor Swift's world tour to 55 percent.

#### METHODOLOGY

The AP-Times Square Alliance Poll of 1,020 adults was conducted online Dec. 11-13, using a sample drawn from GfK's probability-based KnowledgePanel, which is designed to be representative of the U.S. population. The margin of sampling error for all respondents is plus or minus 3 percentage points.

The poll is a cooperative effort between AP and the organizers of the Times Square New Year's Eve Celebration, the Times Square Alliance and Countdown Entertainment. The Alliance is a nonprofit group that seeks to promote Times Square, and Countdown Entertainment represents the owners of One Times Square and the New Year's Eve Ball Drop.

Respondents were first selected randomly using phone or mail survey methods, and later interviewed online. People selected for KnowledgePanel who didn't otherwise have access to the Internet were provided access at no cost to them.

#### Christmas storm woes continue as tornado hits Alabama PHILLIP LUCAS, Associated Press BILL BARROW, Associated Press

BIRMINGHAM, Ala. (AP) — A tornado touched down in north-central Alabama, including part of Birmingham, in the latest wave of severe weather that's hammered the South during Christmas week.

The funnel was spotted by witnesses outside the city about 5 p.m. Friday. An hour later the National Weather service confirmed that first responders were on the scene along Jefferson Avenue, a working class neighborhood less than 10 miles from downtown Birmingham.

Lt. Sean Edwards, a Birmingham police spokesman, said trees are down and people were trapped inside damaged houses, adding that several people were taken to hospitals for treatment of minor injuries, but further details were not immediately available.

Ruthie Green went door-to-door in a coat and a bicycle helmet to check on neighbors after the storm and swept debris from her front porch as more emergency responders arrived in the neighborhood.

"I been listening to the news all day so I was kind of preparing," Green said. When the tornado warning

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came up on her iPad, Green said she ran to a closet.

"Then I heard the big roaring, it didn't last more than three minutes," Green said. "I just laid down and just kept praying."

Green said she was unsure of whether any neighbors had been injured or killed down the block where several homes were destroyed.

"We probably won't know anything until daylight comes," she said. "I'm hoping that everybody got out all right."

"Details are still sketchy," said Jason Holmes, a National Weather Service meteorologist.

Elsewhere in the region, where the weather had calmed, dozens of people faced Christmas having lost their homes and possessions. But many they said they were thankful to see another Christmas.

Tony Goodwin ducked into a storm shelter with seven others as a storm pounded Tennessee and other states in the southeastern U.S. He emerged to find his house in Linden had been knocked off its foundation and hurled down a hill by high winds.

Goodwin's neighbors weren't so fortunate. Two people in one home were killed.

"It makes you thankful to be alive with your family," he said.

Unseasonably warm weather helped spawn torrential rain and deadly tornadoes that by Friday had left at least 15 people dead and dozens of families homeless.

On Friday, parts of Mississippi remained under a flood warning. Weather forecasters from the National Weather Service warned that a strong storm crossing the central part of the state could produce hail and winds of more than 40 mph. The storm was bringing with it the risk of falling trees, downed power lines and flash flooding, officials said.

But that didn't stop some from spending their Christmas giving rather than receiving.

Nicholas Garbacz, disaster program manager for the American Red Cross of North Mississippi, said members of the Marine Corps brought donated toys to a center in Holly Springs for children whose families were hit hard by the storms. Two of the seven people killed in Mississippi were from the Holly Springs area.

Dozens of children and their families showed up Friday morning to pick up a toy or other items they might need to recover from the storm, Garbacz said.

More severe weather was also in store for parts of Georgia and Tennessee that were again being pounded with rain. Residents were warned to brace for flash flooding and possible tornadoes.

Among the dead were eight people from Mississippi, including a 7-year-old boy who perished while riding in a car that was swept up and tossed by storm winds.

Six people were killed in Tennessee, including three who were found in a car submerged in a creek, according to the Columbia Police Department. The Tennessee Emergency Management Agency said the victims were a 19-year-old female and two 22-year-old males.

One person died in Arkansas, and dozens of homes were damaged or destroyed.

As the rain continued to fall, Alabama Gov. Robert Bentley on Friday issued an emergency declaration that covers any part of the state experiencing flash flooding. Officials in southeast Alabama are particularly concerned, as Pea River is approaching record-levels near the town of Elba, which has a history of severe flooding.

Dozens of people were injured in earlier storms, some seriously, said Greg Flynn, spokesman for the Mississippi Emergency Management Agency.

The agency said in a statement Friday night that there were reports of another death and another person missing.

"This increases the number of deaths to eight, and the number of missing persons to two," according to the statement.

Search teams combed damaged homes and businesses for people still missing, a hunt made complicated because so many had left for the holidays.

Peak tornado season in the South is in the spring, but such storms can happen at any time. Exactly a year ago, tornadoes hit Mississippi, killing five people and injuring dozens.

Barbara Perkins was told Thursday by an insurance agent that her storm-damaged home in Falkner,

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Mississippi, was a complete loss. But Perkins — who survived the storm hunkered down inside a closet with her husband — said she was happy just to be alive. Two neighbors had died in the storm that swept across the southeastern U.S. earlier this week.

"You kind of stop and realize what Christmas is all about," Perkins said.

#### **Obama: We never take US troops for granted** DARLENE SUPERVILLE, Associated Press

KANEOHE BAY, Hawaii (AP) — In a Christmas Day gesture of gratitude, President Barack Obama told U.S. troops that "we never take for granted" what they do to keep Americans safe and free.

Obama spoke a few days after six American service members were killed this week in a suicide attack at Bagram Airfield in Afghanistan, the largest U.S. facility in the country.

"As we know, when you're deployed overseas, it's tough," Obama said. He said that although his administration has been bringing home troops from Iraq and Afghanistan, "there are still folks over there every single day and it's still dangerous, as we saw this past week where we had some outstanding, brave men and women who were killed."

"So we never take for granted what all of you do for the American people," Obama said. "You help keep us free. You help keep us strong. Whatever service you're in, whatever branch, we are extraordinarily grateful for everything you do every single day."

The Christmas visit to Marine Corps Base Hawaii in Kaneohe Bay has become an annual tradition for Obama and his wife, Michelle, during the family's yearly vacation in his native Hawaii. The first lady and Jill Biden, the wife of Vice President Joe Biden, head a nationwide initiative to rally public support for active-duty and retired service members and their families.

Obama said the visit is one of his and Michelle's favorite things to do "because not only are we in Hawaii for Christmas, but we're also able to say thank you on behalf of the American people." He said it isn't just the people in uniform who serve, but also the spouses and children.

Before visiting the base on Friday afternoon, Obama opened Christmas gifts and sang carols with his family at their vacation rental in nearby Kailua, about a half hour from downtown Honolulu, the White House said.

Obama also spent part of Christmas Eve placing telephone calls to U.S. service members from each branch of the military who are stationed around the world, the White House said. He thanked them and their families for serving and sacrificing for the country.

The president's quiet holiday morning followed a busy Christmas Eve in which he also exercised at the Marine Corps Base gym, took his daughters Malia and Sasha on a hike on a hike and to the beach. He capped the evening with a three-hour dinner with family and friends.

The White House provided no details on what gifts were exchanged, but Mrs. Obama spilled a few details before the family arrived on Oahu.

Mrs. Obama said during her annual holiday visit with hospitalized children that the president was getting "workout stuff." Her daughters were getting money.

"They don't want me to waste my energy picking out stuff they don't want," she said. "So they'd rather just have the money."

Meanwhile, Obama, who works out at the Marine Corps Base's gym just about every morning during vacation here, acknowledged feeling a tad inadequate exercising alongside Marines.

"I generally feel like your commander in chief is in pretty good shape, and then I get next to some guy, you know, curling 100 pounds and it makes me feel small," Obama said before wrapping up his remarks and posing for photographs with the service members. "But that's OK. It gives me some inspiration. I'm going to work harder so I can keep up with you next year."

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#### Utah firefighters help man dressed as Santa after car fire MICHELLE L. PRICE, Associated Press

SALT LAKE CITY (AP) — A stranded Santa Claus whose car caught fire Christmas morning is sure to put one northern Utah fire department on his nice list next year.

Steven Macey, a Santa-for-hire dressed in a red suit and beard, was on his way to deliver presents at a home when his car overheated and caught fire around 6:30 a.m. Friday, according to Lone Peak Fire Battalion Chief Joseph McRae.

Macey, 66, was not injured.

He has been portraying Santa for decades. After making appearances at Christmas Eve parties until 1 a.m., he headed to an early Christmas morning appointment at a home in Alpine, a city about 30 miles south of Salt Lake City.

Macey said his older car began smoking after he climbed a snowy hill. He got out of the car and retrieved his St. Nick coat, belt and bells before moving away and calling 911.

A passing driver stopped and let him wait in their vehicle until firefighters arrived.

"They were stunned when I came walking down the road — a Santa," Macey said. "They all wanted pictures."

Fire crews extinguished the blaze, but the car was destroyed.

"He's going to have to go back to using his sleigh," McRae said.

The battalion chief gave Macey a ride to the nearby home so he could make his appointment.

"You can't leave Santa stranded on the side of the road," McRae said.

After the Santa suit-clad Macey delivered presents to the child, the family at the Alpine home offered to let Macey borrow one of their vehicles, which had been left at a friends' house.

Someone gave him a ride and he borrowed the car to get home.

Macey said he was touched by all the kindness, including that of the firefighters.

"It's not a disastrous Christmas for me. As a matter of fact, it's probably the greatest Christmas I've ever had in my entire life — to see people care and put their arms around me."

McRae said he's worked many holidays but has never had the chance to rescue a Santa Claus.

"It kind of makes it a little more enjoyable to do something like this," he said. "We're just glad that he could get out and make the call and then continue on his last little trip there."

#### Serena Williams wins AP Female Athlete of Year for 4th time HOWARD FENDRICH, AP Tennis Writer

Serena Williams spent a good portion of 2015 deflecting questions about whether she could complete the Grand Slam. After coming oh-so-close, she can acknowledge how much she cared about the rare feat.

"I wanted it. But ... winning one (major title) is not easy. And then, (when) you have a 'bounty' on your head, it's even harder," she said with a laugh. "If you know anything about me, I hate to lose. I've always said I hate losing more than I like winning, so that drives me to be the best that I can be."

Williams' will was on display time and again, along with her best-in-the-game serve and other skills, fashioning comeback after comeback to nearly become the first tennis player in more than a quarter-century to win all four Grand Slam tournaments in a season. In a vote by U.S. editors and news directors, Williams was chosen as The Associated Press Female Athlete of the Year for the fourth time.

Results were announced Friday.

Williams collected 50 first-place votes and 352 points. Carli Lloyd, whose hat trick in the final lifted the U.S. women's soccer team to the World Cup title, was the runner-up, with 14 first-place votes and 243 points. UFC star Ronda Rousey finished third, one spot ahead of the woman she stunningly lost to last month, Holly Holm. UConn basketball player Breanna Stewart was fifth.

The AP Male Athlete of the Year will be announced Saturday.

Williams, who also won AP awards in 2002, 2009 and 2013, joined Chris Evert as a four-time honoree. The only woman with more AP selections is Babe Didrikson, with six — one for athletics in 1932, and five for golf from 1945-54.

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"It's not even winning the Grand Slam titles as much as the way she got herself out of the deep holes that she dug, just repeatedly. It's not like she had two or three narrow escapes," Evert said about Williams. "It really was the year of the comeback. It was just unbelievable."

Williams won the Australian Open on hard courts in January, the French Open on red clay in June, and Wimbledon on grass in July, before losing in the U.S. Open semifinals in September in one of the biggest upsets in the sport's history.

In all, Williams went 53-3 with a WTA tour-leading five titles and was ranked No. 1 every week. She raised her Grand Slam singles trophy count to 21; only two women have won more.

It did not come easily this year for Williams, who grew up in Compton, California, and turned 34 in September.

At the French Open, already dealing with a painful right elbow, Williams caught the flu. Four times in Paris, she lost the first set before rallying to win.

"My elbow was killing me. It's about fighting and just never giving up. You hear that and it sounds cliche," Williams said, "but it's really just about, 'OK, I'm going to at least try and see what happens."

At Wimbledon, she was two points from defeat in the third round but wound up completing a self-styled "Serena Slam" of four major championships in a row, a run that began in 2014. She also became the oldest woman to win a major title in the Open era, which began in 1968.

"I retired at 34, and I know that at 32, 33 and 34, I was struggling mentally to get psyched up for matches and to feel motivated," Evert said. "What impresses me even more than the physical prowess of Serena is the fact that she can still conjure up that hunger and that passion for these matches. ... Sometimes, (the motivation is) just not there. And the times when it wasn't there for her, she still created magic."

Only at the U.S. Open, with the historic achievement of a calendar-year Grand Slam in the offing, did Williams stumble, losing a three-setter to 43rd-ranked Roberta Vinci of Italy.

Williams already is thinking about 2016.

"If I could have this year next year," Williams said, "I would be really excited."

#### Only 2 states say Guard could house immigrant children ANDREW WELSH-HUGGINS, Associated Press

COLUMBUS, Ohio (AP) — Only two states say their National Guard operations could provide facilities to house unaccompanied immigrant children following a request for options from the government.

California and Virginia told the National Guard Bureau they have facilities that could be used but they would require additional funding if asked to meet federal requirements.

Other states responding to the National Guard Bureau's request late last month say they aren't set up to handle that kind of housing or they lack the proper facilities.

Ohio also voiced concern about the government's oversight of the program, pointing to a case of labor trafficking at a large egg farm in the state earlier this year.

The "government has attempted to increase capacity and push people through the system too quickly causing unintended consequences," Ohio Adj. Gen. Mark Bartman said in the state response obtained by The Associated Press.

Bartman said he and Gov. John Kasich have concerns about the government's ability to safely handle the increased number of children in refugee resettlement programs.

Kasich, a Republican candidate for president, raised similar issues in an August letter to President Barack Obama. Among his concerns was a lack of information shared with the state about children settled in Ohio.

U.S. Sen. Rob Portman, an Ohio Republican running for re-election, has pushed for an investigation into the way the government screens sponsors getting custody of unaccompanied children.

The government says about 1,100 children have been released to sponsors in Ohio's Franklin, Hamilton and Tuscarawas counties.

A total of 10,588 unaccompanied children crossed the U.S.-Mexico border in October and November, compared with 5,129 who crossed during the same two months last year, according to the U.S. Border Patrol. U.S. immigration policy dictates that unaccompanied minors trying to escape dangerous situations can't

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be turned away. In the Ohio case, federal prosecutors say several teens were fraudulently plucked from U.S. custody by conspirators posing as friends or family who forced them to work as virtual slaves on egg farms near Marion.

The case occurred at a time when the country's immigration system was being overwhelmed by unaccompanied children fleeing unrest in Central America.

The Guard request to states was part of a bigger request by the U.S. Department of Health and Human Services to the military looking for possible sites. The request sought facilities large enough to hold 300 beds for two months.

Although Virginia told the National Guard Bureau it would consider the request if funding became available, questions remain about the viability of such an operation, said Virginia Guard spokesman Cotton Puryear.

"While we are very sensitive to the needs of these unaccompanied children to find adequate housing, our primary concern is the possible negative impact on the readiness of units," Puryear said.

In California, all facilities would require work for fencing or other items to meet the requirements, said California Guard spokesman Brandon Honig.

Earlier this month, HHS Director Sylvia Burwell formally asked the Defense Department to provide up to 5,000 temporary beds within 30 days for the minors.

The government has recently assessed Holloman Air Force Base in New Mexico; Fort Hood, Texas; Joint Base Lewis McChord, Washington; Fort McCoy, Wisconsin; and Naval Station Great Lakes, Illinois, for potential use as temporary shelters, according to HHS.

The government's expansion of its temporary ability to house children "is a prudent step to ensure that the Border Patrol can continue its vital national security mission to prevent illegal migration, trafficking, and protect the borders of the United States," said HHS spokesman Mark Weber.

#### Police: Fight sparks North Carolina mall shooting; 1 killed STEVE REED, Associated Press

CHARLOTTE, N.C. (AP) — A shooting at a North Carolina mall sent shoppers fleeing into stores, some locking themselves inside, on Christmas Eve, but police say the incident was sparked by a long-running feud and was not a random act of violence.

The incident ended when an off-duty officer fatally shot a teenager who pointed a gun in his direction at Northlake Mall in Charlotte on Thursday, police said. Officials said no one else was shot, and there were no other reports of injuries.

People who knew each other and had past disputes began fighting at the mall, though there was no indication it was gang-related, Chief Kerr Putney of the Charlotte-Mecklenburg Police Department said.

During the fight, a weapon was brandished and shots were fired around 2 p.m., Putney said. Witnesses described a chaotic scene. Police could be seen blocking all mall entrances.

Putney said at a Christmas Eve news conference that police did not know if the teenager fired any shots at the officer.

Jake Wallace, 24, of Boone, North Carolina, was in Dick's Sporting Goods when shots rang out nearby — about 30 feet outside the store, near Journey's shoe store on the lower level, according to police.

"I thought someone dropped something. It was extremely loud. Didn't think anything of it," Wallace said. "You don't think gunshots. But then I heard a rapid fire. Once hearing that, there was no mistaking it. It sounded like someone was unloading a clip."

Chaos erupted as shoppers dove for cover or tried to get out the door, Wallace said.

Don Willis, who works as a valet at the mall, said he heard gunshots, then saw a wave of people exiting the mall.

"It was wild. I heard the first shot and I thought, 'Wait. What was that?' And kind of like started turning around and walking and saw this huge line of people — wave of people coming — and I thought a bomb was about to go off, and I just took off," he said.

Putney said Officer Thomas Ferguson, a 19-year veteran of the force, was working off-duty at the mall

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when he heard the shots and confronted the man who pointed a gun in his direction.

The officer then "fired his service weapon," Putney said. The suspect was given emergency aid, but medics pronounced him dead shortly afterward, officials said. Police identified him as Daquan Antonio Westbrook, 18.

The officer was placed on administrative leave pending the outcome of an investigation, Putney said. Multiple weapons were found at the scene.

No officers were injured. Putney said police were trying to determine whether anyone else was shot.

"That is part of the investigation," he said. "The good thing about this case is that there are a lot of witnesses."

#### North Carolina uses unique tactic against new EPA power rule JONATHAN DREW, Associated Press

RALEIGH, N.C. (AP) — Already among the two-dozen states suing to overturn new power plant emission rules, North Carolina is picking a separate fight with the Environmental Protection Agency by adopting a plan for compliance the agency is likely to reject.

State officials hope that will create a shortcut to a federal appeals court and head off any attempt by the EPA to drag out the court case while its rules get further entrenched.

North Carolina's approach is unique because it splits the difference between the handful of states that have said they won't submit any plan to the EPA, and about a dozen that are hedging their bets by developing compliance plans while they try to defeat the federal rules.

For example, West Virginia — considered a leader in the lawsuit filed in Washington against EPA in October — announced later that month that it would develop a plan to comply with the EPA.

"While I believe there are significant questions regarding the legality of the Clean Power Plan, these new rules have been put into place by the federal regulatory agency," Gov. Earl Ray Tomblin said at the time. "Until a final legal decision has been made, we cannot afford to ignore them."

Other states signed onto the lawsuit appear undecided about how to proceed.

North Carolina quickly developed a proposal that ignores two of the three strategies recommended by the EPA. The plan received initial state approval in November.

"North Carolina is way ahead of the curve in terms of putting pen to paper on a rule," said Clint Woods, executive director of the Association of Air Pollution Control Agencies.

John Evans, chief deputy secretary for the Department of Environmental Quality, explained the rationale during a November meeting before a state environmental panel. He argued that the main lawsuit by the states could be drawn out by the EPA, making the state plan North Carolina's best hope to fight it in court.

"We expect the EPA to oppose being heard, and if they are successful, then ... the only chance for judicial review that we have available to us will be North Carolina's plan," he said.

Evans explained that if North Carolina submits a rule that's rejected by the EPA, the state can then take its case to the 4th U.S. Circuit Court of Appeals.

"We have an appeal right there. That might be the first challenge in the nation to the federal power plan rule," he said.

North Carolina officials argue that improving the efficiency of power plants is the only approach out of three encouraged by the Obama administration that would be legal under state and federal law. The other approaches are increasing the use of natural gas and renewable energy.

North Carolina's director of air quality, Sheila Holman, told The Associated Press this month that state officials don't think they have the authority to force power companies to use those approaches.

According to the state's own estimates, its plan would fall short of the EPA's goals for reducing carbon emissions by 2030.

State officials say they will develop a backup plan in 2016 that expands strategies for reducing emissions in case the legal efforts fail. If no plan is submitted, the EPA can impose its own rules on the state.

Conservationists with the Sierra Club and the Natural Resources Defense Council echo Woods, whose

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organization works with 18 states that are mostly opposed to the EPA plan, in saying they're not aware of any taking the same approach as North Carolina.

More than a dozen of the states involved in the primary legal fight with the EPA have either said explicitly they will comply or have taken steps to develop a plan. Montana Gov. Steve Bullock, for instance, said earlier this month that the state must create a compliance plan even though he doesn't think the EPA rules are fair.

Others, including New Jersey and Oklahoma, have signaled they intend to refuse to comply.

Holman said North Carolina is already a national leader in heat rates for coal-fired plants — a key measure of efficiency — making it hard to wring out further improvements. A 2002 North Carolina law that required pollution cuts beyond federal standards contributed to efficiency improvements and the shuttering of older coal-burning units.

That means North Carolina wouldn't have as hard a time complying with the federal plan as other states, said Luis Martinez, a senior attorney with the Natural Resources Defense Council.

"North Carolina is very close as a state," he said, "which makes this quixotic campaign against the Clean Power Plan even stranger."

#### In final year, Obama seeks to stave off lame-duck status JULIE PACE, AP White House Correspondent

WASHINGTON (AP) — In June, during one of the best stretches of his presidency, Barack Obama strode through a West Wing hallway exclaiming, "Offense! Stay on offense!"

It was a rallying cry for a White House that suddenly seemed to find its footing in the final quarter of Obama's tenure. An Asia-Pacific trade agreement was moving forward, as was the diplomatic opening with Cuba and work on an historic nuclear accord with Iran. The Supreme Court upheld a key tenet of the president's long-embattled health care law and legalized gay marriage nationwide. Even in the depths of tragedy following a church shooting in Charleston, South Carolina, the president struck an emotional chord with his stirring eulogy for the victims.

"I said at the beginning of this year that interesting stuff happens in the fourth quarter — and we are only halfway through," Obama said during his annual year-end news conference.

But the seventh year of Obama's presidency also challenged anew his cautious and restrained approach to international crises, particularly in the Middle East. Attacks in Paris and San Bernardino, California, heightened fears of terror on American soil and Obama's attempts to reassure Americans fell flat. And a seemingly endless string of mass shootings elsewhere in the country exposed the sharp limits of Obama's power to implement the gun control measures he speaks of with passion.

Obama now stares down 11 months before his successor is chosen in an election shaping up to be a referendum on his leadership at home and abroad. He stirs deep anger among many Republicans, a constant reminder of his failure to make good on campaign promises to heal Washington's divisiveness. But he remains popular among Democrats and foresees a role campaigning for his party's nominee in the general election.

The president is packing his final year with foreign travel and has about a half-dozen trips abroad planned, including a likely visit to Cuba. The White House's legislative agenda is slim and centers mostly on areas where he already has overlapping priorities with Republicans, including final passage of the Trans-Pacific Partnership trade pact and criminal justice reform. But he's also eyeing provocative executive actions, including an expansion of background checks for gun purchases and the closure of the Guantanamo Bay detention center.

"We recognize there's limited time left," said Jennifer Psaki, Obama's communications director.

At times, Obama's second term has appeared to play out in reverse.

He struggled to capitalize on his decisive re-election victory in 2012, stumbling through a two-year stretch that exposed the limits of his power and made him a political liability for his party. Then in an unexpected

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twist, his party's devastating defeats in the 2014 midterm election spurred one of the most productive years of his presidency, positioning Obama to be a valuable political ally for Democratic presidential front-runner Hillary Clinton.

"Barack Obama will loom over the election," said Dan Pfeiffer, a longtime Obama adviser who left the White House earlier this year.

Advisers say the Supreme Court's ruling in May, which upheld the subsidies at the heart of Obama's health care law, came as a particular relief to the president. The decision ensures the law survives his presidency, even as Republican candidates campaign on pledges to repeal it.

Obama sees the Iran nuclear accord, Pacific Rim trade pact and sweeping climate change agreement finalized in Paris earlier this month as examples of how America should wield its power on the world stage. The agreements have driven the debate in the presidential campaign for long stretches— a point of pride for a White House eager to show that the president remains the country's most relevant politician even as he eyes the exits.

Yet Obama hasn't been able to escape the Middle East. No matter how many times he tries to pivot to Asia or rebrand U.S. foreign policy as more about diplomacy than military might, the volatile region continues to be the dominant force in the way his foreign policy is viewed.

Nearly every candidate running for president — including Clinton, his former secretary of state — is calling for more aggressive action to fight the Islamic State group. Obama has inched the military deeper into the conflict, including backtracking on his refusal to put U.S. troops on the ground in Syria, but has largely stuck with his initial strategy of combating the extremist group from the air.

The terror attacks in Paris and California, however, have taken a worrying but distant fight against the Islamic State militants and made it top-of-mind for many Americans. White House advisers say Obama is well aware that he misjudged the public's level of anxiety about terrorism and must scramble to counter what he sees as overheated rhetoric from Republican presidential candidates that filled the void he created by his tepid initial response.

Aides say outlining an alternative to Republicans on foreign policy and other matters will be a central part of his final State of the Union address to Congress on Jan. 12. The address was purposely scheduled earlier than usual to give the president space to make his case before primary voting begins. He departed for his annual Hawaii vacation with a draft of the speech in hand.

Julian Zelizer, a political historian at Princeton University, said a well-crafted speech can only go so far in helping Obama reassure the public of his national security stewardship.

"The only way he regains ground is concrete victories where people can literally see progress made," Zelizer said. "This is an area where he has to have policy gains"

As he closed out 2015, Obama promised he wouldn't fade into the background in his final year in office. But he's also realistic about the limited legislative opportunities for a Democratic president and Republicanled Congress in a presidential election year.

His relatively modest congressional agenda includes final passage of the TPP trade pact, criminal justice reforms, dealing with Puerto Rico's debt crisis and funding programs to address the spike in opioid use. At least some Republicans say they're willing to work with the president in his final year.

"I think if you look at what we've been able to work with him on this year, it's a good, telling piece of the kinds of things we can do next year," said Sen. Cory Gardner, R-Colo. "We worked very well on education reform, the highway bill, on human trafficking legislation — so there were some significant bipartisan accomplishments that we have been able to achieve this year."

Sen. Roger Wicker, R-Miss., echoed that sentiment, saying "There are a lot of opportunities" to work with the president in his final year in office.

Of course, Obama's legacy will be determined far more by the outcome of the presidential campaign than his 2016 legislative agenda. Since many of his most prominent moves have been the result of executive actions, a Republican president could largely wipe them away, while a Democrat is more likely to keep them in place and perhaps even expand on them.

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White House aides say the president is eager to campaign for the party's nominee, as well as Democrats in other races. He chafed at being kept on the sidelines in the 2014 midterms, and advisers used Democrats' sweeping losses in that campaign as an I-told-you-so moment for party officials.

This time, Obama isn't waiting for an invitation from the Democratic nominee to make his campaign plans. "I will have a Democratic successor, and I will campaign very hard to make that happen," he said.

#### Lawsuits seek to abolish county's bail bond system PAUL ELIAS, Associated Press

SAN FRANCISCO (AP) — Crystal Patterson didn't have the cash or assets to post \$150,000 bail and get out of jail after her arrest for assault in October.

So Patterson, 39, promised to pay a bail bonds company \$15,000 plus interest to put up the \$150,000 bail for her, allowing to go home and care for her invalid grandmother.

The day after her release, the district attorney decided not to pursue charges. But Patterson still owes the bail bonds company. Criminal justice reformers and lawyers at a nonprofit Washington D.C. legal clinic say that is unconstitutionally unfair.

The lawyers have filed a class action lawsuit on behalf of Patterson, Rianna Buffin and other jail inmates who argue that San Francisco and California's bail system unconstitutionally treats poor and wealthy suspects differently.

Wealthy suspects can put up their houses or other valuable assets — or simply write a check — to post bail and stay out of jail until their cases are resolved. Poorer suspects aren't so lucky. Many remain behind bars or pay nonrefundable fees to bail bonds companies.

San Francisco public defender Chesa Boudin says some of his clients who can't afford to post bail plead guilty to minor charges for crimes they didn't commit so they can leave jail.

Boudin represented Buffin, 19, after her arrest for grand theft in October. Buffin couldn't afford to post the \$30,000 bail or pay a bond company a \$3,000 fee and so contemplated pleading guilty in exchange for a quick release from jail even though she says her only crime was being with the "wrong people at the wrong place at the wrong time."

Fortunately, the district attorney declined to charge Buffin and she was released after being held for three days.

"My family was worried," said Ruffin, who lost her \$10.50 an hour baggage handler job at the Oakland International Airport after her arrest.

The lawsuit filed by the Equal Justice Under Law in San Francisco federal court in October seeks to abolish the cash bail system in the city, state — and the country. It's the ninth lawsuit the center has filed in seven states.

"The bail system in most states is a two-tiered system," said center founder Phil Telfeyan. "One for the wealthy and one for everyone else."

The center has settled four lawsuits, convincing smaller jails in states in the South to do away with cash bail requirements for most charges.

Telfeyan said a win in California could add momentum to the center's goal to rid the country of the cash bail system, which the lawyers say is used by most county jails in all 50 states. The federal system usually allows non-violent suspects free without bail pending trial and denies bail to serious and violent suspects.

"The country watches what happens in California," said Telfeyan, a former Department of Justice attorney who founded the Washington organization in 2013 with a partner and the first-ever grant from the Harvard Law School Public Service Venture Fund in 2013.

Telfeyan said it's not his goal to put out of business the classic neon-advertising bail bonding industry, but conceded the business model would become obsolete if he convinces courts that the cash bail system is unconstitutional.

The industry didn't acknowledge Telfeyan's first lawsuits filed earlier this year.

But on Monday, lawyers for the California Bail Agents Association filed court papers seeking to formally

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oppose the San Francisco lawsuit. The association argues that government lawyers for San Francisco and the state are offering only "tepid" opposition to the California lawsuit.

San Francisco Sheriff Ross Mirkarimi argues that most jail inmates are awaiting resolution of minor, non-violent crimes and that letting them free while awaiting court hearings will save the city millions of dollars. Mirkarimi said non-violent suspects can be monitored electronically and with frequent visits from law enforcement officials to ensure they don't flee the area and attend all their court hearings.

In January, Telfeyan and his colleagues from Equal Justice Under Law will ask a judge to temporarily suspend San Francisco's cash bail system until the lawsuit is resolved. Telfeyan said a victory in San Francisco and the elimination of cash bail in the city will most likely lead to the abolition of cash bail in all of the state's 58 counties.

Maggie Kreins, who is president of bail agents group, the says the longtime system of putting up money or an insurance-backed bail bond is better at getting people to show up in court and it saves the public costs of monitoring defendants or hunting down bail jumpers.

Kreins said that California's "bail schedule" could be reformed to lower bail amounts for minor crimes, but that scrapping the system completely would be a mistake.

"What is the incentive to go to court if you don't lose anything for failing to appear?" Kreins said.

#### AP Interview: Climate deal caps a long quest for UN chief EDITH M. LEDERER, Associated Press

UNITED NATIONS (AP) — When international negotiators reached a first-of-its kind climate change agreement in Paris this month, the United Nations' normally low-key leader, Ban Ki-moon, celebrated onstage, arms raised in victory and more exuberant than many had ever seen him before.

Nearly nine years had passed since, in his first days as secretary-general, Ban surprised world leaders by making global warming a top item on his agenda. Now, on the eve of his final year in office, the cheers in Paris marked the culmination of his nonstop campaign, pressed with world leaders at summit after summit and in locales including melting glaciers and islands at risk of disappearing.

It was an emotional moment, and looking back at the road to Paris in an interview with The Associated Press, Ban paid tribute to many people, including the leaders of the United States, China, India and France. He also spoke proudly of his own role.

No other leader in the world "has been raising, without fail, all the time, climate change," Ban said. "I have spent real passion ... and most of my time and energy on this issue."

It was quite a shift for the former South Korean foreign minister, whose main focus before becoming the eighth U.N. secretary-general in 2007 was his country's standoff with North Korea.

Ban traced his interest in climate change to his yearlong campaign to lead the United Nations, which took him to many countries and broadened his vision of global issues.

Two weeks before he was sworn in as secretary-general, Ban told Tim Wirth, then president of the United Nations Foundation, that one of his two highest priorities would be climate change, along with empowering women.

"You could have blown me away," Wirth said of Ban's choice of tackling global warming. "He had a deep commitment then, and he has stayed with it, and stayed with it, and stayed with it."

At the time, climate change was not a popular topic.

The 1997 Kyoto treaty, which required only rich countries to limit emissions blamed for global warming, was set to expire in 2012. Negotiations on a new agreement had almost collapsed, Ban said.

"I thought that I needed to revive this one," he said.

His first high-level meeting as U.N. chief was with then-President George W. Bush.

The original agenda for their January 2007 meeting didn't include climate change, Ban said, and Bush "seemed to be a little bit surprised" when he raised it.

Undeterred, Ban decided to hold the first-ever climate change summit at the United Nations in July 2007. He invited Bush and told him that the success of the summit would depend on his participation. Bush

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came, though he didn't address the summit.

That connection paid off at a U.N. conference in Bali in December 2007.

The United States, the lone major industrial nation to reject Kyoto, was opposing India's proposal to strengthen requirements for richer nations to help poorer countries with technology to limit emissions. In one of the most memorable moments in climate change diplomacy, tiny Papua New Guinea implored America to lead or get out of the way.

An isolated United States capitulated, and the first roadmap for addressing climate change was adopted. "Miraculously, I was able to save this one, but I didn't know why," Ban said.

In early 2009, he finally found out.

Ban and his wife were invited to dinner at the White House in last of the last days of the Bush presidency. Bush told the U.N. chief that when the Bali meeting reached a difficult moment, he got a call from the head of the U.S. delegation asking for instructions.

Ban said Bush told him: "Suddenly, you came to my mind. Then I told the delegation head, 'Do what the secretary-general of the U.N. wants to do,'."

The secretary-general said he still feels "very much grateful" to Bush.

"That was the beginning of our success," Ban said.

But then came the disappointment of the 2009 Copenhagen climate change negotiations.

In Copenhagen, a newly elected President Barack Obama showed "great commitment," even working on proposed global text from his laptop, Ban said. But there were too many differences and negotiations ended with no agreement.

"From the failure of Copenhagen, we learned a great lesson," Ban said.

One was to have every country provide its own national action plan to combat climate change. Another was to get countries to agree to have a universal climate change agreement by 2015.

Meanwhile, Ban was traveling the world to spotlight the impacts of climate change. His visits to Antarctica and the Arctic showcased melting ice, and his visits to the Aral Sea in central Asia and Lake Chad in west Africa warned of their disappearance. He visited the low-lying Pacific island nation of Kiribati, where he found a life jacket in his room in case of inundation.

He also asked to attend annual meetings of the World Bank and the International Monetary Fund — a first for a U.N. secretary-general — to talk to finance ministers on the need to mobilize \$100 billion in climate financing annually by 2020.

As the summit in Paris approached, Ban participated in monthly strategy videoconferences with the leaders of France and Peru and later, Germany. One key decision was to reverse the usual negotiations process and have country leaders attend the start of the summit to give impetus and clear direction to negotiators.

The Paris opening was the largest-ever gathering of country leaders, with 150 assembled, the secretarygeneral said.

But there were about half a dozen "spoilers," countries ready to block consensus on an agreement. Nicaragua refused to submit its national plan, arguing that rich nations should be compelled to make deeper emission cuts.

Ban recalled the moment the Nicaraguan delegation said "we will not block" a deal. The French foreign minister immediately gaveled approval of the agreement, which was later adopted unanimously.

The Paris agreement, adopted by nearly 200 nations, calls on both poor and rich countries to cut greenhouse gas pollution. It aims to keep global temperatures from rising another degree Celsius (1.8 degrees Fahrenheit) between now and 2100.

Ban's perseverance and leadership were essential, said former Norwegian Prime Minister Gro Harlem Brundtland, who headed a U.N.-appointed commission that published a groundbreaking report in 1987 outlining the dangers of climate change.

"This is not a one-man show, but the one man is important," Brundtland said.

Without him, "we cannot take for granted that we would be here."

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Ban's priority for the rest of his term has not changed. With the climate deal imposing no sanctions for non-compliant countries, the secretary-general said he will focus on establishing a framework to ensure U.N. member states follow through on the climate change promises he worked so hard to get.

#### Christmas wildfire destroys more than 100 homes in Australia

SYDNEY (AP) — More than 100 houses were destroyed by a Christmas Day wildfire that tore through a stretch of coastline popular with tourists in southern Australia, forcing thousands to flee their homes, officials said Saturday.

Cooler weather and light rain on Saturday eased the immediate threat from the blaze along Victoria state's scenic Great Ocean Road, but officials warned that it could continue burning for weeks.

No one was killed or injured in the fire, said Victoria Emergency Management Commissioner Craig Lapsley. "You've got to stand proud to say that people are with us — that is, they've walked away from the fire that had every potential to be a killer," Lapsley said.

Hundreds of firefighters spent Christmas battling the blaze, which was triggered by a lightning strike. The fire destroyed 116 houses in the small towns of Wye River and Separation Creek, Lapsley said. Many of the properties destroyed were holiday homes.

The fire has temporarily closed a section of the Great Ocean Road, which winds along Victoria's coastline and past the region's famed "Apostles" — a collection of giant limestone stacks that jut dramatically out of the sea.

Destructive wildfires are common across much of Australia during the southern hemisphere summer. In 2009, wildfires killed 173 people and destroyed more than 2,000 homes in Victoria.

#### Late-night earthquake rattles Pakistani capital, Afghanistan MUNIR AHMED, Associated Press

ISLAMABAD (AP) — A strong earthquake shook parts of Pakistan and Afghanistan early Saturday, rattling buildings and forcing sleeping residents out of their homes.

More than 30 people were injured as houses or walls collapsed in the northwestern Pakistan city of Peshawar, said emergency rescue service spokesman Bilal Ahmed Faizi. A total of 41 people were taken to hospitals in the city, according to doctors and rescue officials.

Pakistani official Ghulam Rasool told The Associated Press that the magnitude-6.9 quake was centered in Tajikistan near the Afghan border, beginning after midnight and lasting for 59 seconds.

However, the U.S. Geological Survey reported that the quake measured at magnitude 6.2 and was centered in the Hindu Kush region of Afghanistan. Twitter users in the Afghan capital, Kabul, reported feeling the tremors.

Hamid Nawaz, the head of Pakistan's disaster management authority, said they were still assessing damage. He confirmed that some old homes and walls collapsed in Peshawar, but he refused to share further details.

Some people panicked and ran out of their homes in New Delhi and other parts of northern India. But there were no immediate reports of fatalities or major property damage, the Press Trust of India news agency reported.

The quake was also felt in the Kashmir region. In Pakistan's capital, Islamabad, some residents remained outside their homes despite the chilly winter weather, fearful of aftershocks.

Sahiba Khan, an 18-year-old student, said she was reading when the earthquake jolted her home. All of her family members emerged, reciting verses from the Quran.