

1705

Items \$100 or Less

Beautiful antique upright piano with bench, \$100 (605)661-6247 leave message.

Chandelier, 5-light, brass and white finish, frosted glass shades, very pretty, no room to store, \$25 (605)260-1431.

Craftsman, 5hp, 21" single stage snow thrower, electric start, auger propelled, \$100. (605)661-4867.

Entertainment Center, oak finish, 52" wide, very nice. \$35. Call (605)668-1620.

G. E. Microwave, excellent condition, 1.5 cubic ft., 900 watts, black/brown color, \$20. Call (605)665-0480 or (605)660-4634.

Huge assortment of Christmas lights, Icicle-C9's mini, all colors, many new, value of over \$200, the whole stock for only \$50, (605)665-0344.

Model 500 Eden Pure Heater, has filter, 2-months old. \$100, (605)665-3818.

Mount Pleasant pre-lit Christmas tree, 6-1/2 ft. \$50. (605)665-0777.

Nikon Coolpix 8100 Camera, 10x zoom, 30mm wide angle, CNOS sensor, charger, extra battery, and box. Like new. \$100, (605)665-6525.

Old oak USD science lab cabinet: \$75. One 1950's vintage two-piece, stand-alone kitchen cupboard: \$25. Call (605)267-2228.

One old oak USD science lab cabinet: \$75. One 1950's vintage two-piece, stand-alone kitchen cupboard: \$25. Call (605)267-2247

Squier II Precision Bass Guitar, made by Fender, \$50. (605)665-4390.

Symphonics 21" color TV with remote. Works great. Could be used in a bedroom or child's room for video games. \$20. (605)668-1887.

Toshiba HiFi VCR and DVD Video recorder with remote \$40. (605)665-8172

Toshiba-24" Flat screen TV with remote \$50. Sony AM-FM under the cabinet mount with CD player and remote. \$40 (605)665-8172.

Vintage 4" jointer, 1/4 hp. direct drive; cast iron, with 3 very sharp knives. \$80. (605)260-0156.

1710

Antiques - Collectibles

Great holiday savings: 50% off all glassware. 8th Street Antiques & Collectibles. 608 W. 8th St., Yankton. Friday 11am-5pm, Saturday, 10am-5pm, Sunday 12Noon-4pm.

1715

Arts - Crafts

Craft Show, Saturday, 12/10 9am-3pm, 1009 Pearl, Yankton. Handmade oak, All merchandise make great Christmas gifts.

1770

Home Appliances

White Washer and Dryer Set, used, excellent condition. \$300 for set. Call (605)665-6577 or (605)660-7465.

1800

Sports Equipment

Esprit ET4 Treadmill. Bought new \$1,300 March 2010, used very little, \$750/OBO. Call (605)660-5560.

1820

Give Aways

Two black puppies to give away. Call (402) 357-2330.

1840

Lost and Found

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MORNING COFFEE

WEEKDAYS MONDAY-FRIDAY

Thursday, December 8

7:40 a.m. Yankton Conv/Vis Bureau (Lisa Scheve)

8:20 a.m. Yankton Chamber (Carmen Schramm)

Friday, December 9

7:40 a.m. South Dakota Magazine (Bernie Hunhoff)

8:20 a.m. Cramer-Kenyon Home (Anne Swift)

S.D. Lawmakers Urge State Policy On Employee Bonuses

BY CHET BROKAW
Associated Press

PIERRE — South Dakota should establish standards for the awarding of bonuses to state employees for outstanding work, a legislative panel suggested Wednesday.

Members of Legislature's government operations and audit committee said such a standard would help the state avoid situations such as one in which state health officials used federal grant money to pay \$500 bonuses to 155 employees who worked to fight the swine flu threat two years ago.

A state audit found that the bonuses weren't permissible under federal rules because the state Health Department didn't have standards for handling bonuses consistently for all programs. Auditors recommended the department follow established policies in the future, but the agency did not have to repay the federal government for money used for the bonuses.

Sen. Jeff Haverly, R-Rapid City, said lawmakers questioned the Health Department bonuses because the agency proposed them at the end of the flu vaccination project, not as part of the original plan. A general state policy would give agencies guidance on how to handle such bonuses, he said.

State Personnel Commissioner Sandy Zinter said she will consider

the lawmakers' suggestions, but that suggested bonuses are evaluated on a case-by-case basis because they are rarely given. She said the state does not have a formal process for handling requests for bonuses because such a plan would not address all situations that might arise. The Bureau of Personnel consults the governor's office when an agency proposes bonus payments, she added.

"I realize that's probably more vague than what you're looking for," Zinter told the lawmakers, describing the current process.

She said state agencies could avoid audit questions by including possible bonus payments in applications for federal grants.

Rep. Charles Turbiville, R-Deadwood, said the state should at least have a policy requiring agencies to consult with the Bureau of Personnel on proposed bonus payments.

"I support the bonuses, but I just think you need to have a policy stashed someplace in the event it happens again," Turbiville told Zinter.

Zinter said the Health Department proposed the bonuses to employees who worked in the flu fight because those employees did a great job and South Dakota had the nation's highest vaccination rate for adults during the global outbreak of what was known as the H1N1 flu. South Dakota vaccinated

34.4 percent of its adults, or more than 260,000 people.

State Health Secretary Doneen Hollingsworth told the legislative committee in October that the bonuses were allowable under federal guidelines that applied to the \$6.5 million federal grant South Dakota received to vaccinate people, conduct lab tests and take other steps to fight the H1N1 virus in 2009-2010. The U.S. Health and Human Services Department, which provided the grant, has not questioned the bonuses, she said.

A total of \$77,000 was spent on the bonuses, with \$69,500 coming from the federal grant and the rest from a state fund. The bonuses went to nurses, lab workers, field staff and administrators who worked many extra hours in the budget year that ended in June 2010.

Sen. Larry Tidemann, R-Brookings, who was chairman of the House Appropriations Committee at the time, said the Health Department notified him and the Senate appropriations chair that the bonuses might be paid. He said he replied that the bonuses would be acceptable, but that was before auditors questioned the spending.

Tidemann said other state agencies give employee bonuses to reward good work.

Nebraska High Court To Hear Learning Community Appeal

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — The Nebraska Supreme Court will hear arguments Friday in a case to decide whether a board that oversees nearly a dozen Omaha-area school districts has the authority to levy property taxes within the districts' borders.

In September, a Sarpy County district judge ruled that property taxes levied by the Learning Community board are unconstitutional.

The levy amounts to a property tax for a state purpose — public education — in violation of the Nebraska constitution, Judge William Zastera ruled.

The Learning Community was created by the Legislature and signed into law in 2006. It oversees common property tax levies among 11 school districts in Douglas and Sarpy counties. The community's intent is to de-emphasize district borders and sharpen the focus on achievement and diversity. Property taxes and state aid to schools are redistributed to the 11 districts within the community to be more equitable, so that districts with high numbers of poor students and low property tax

revenue get more money — much of that coming from districts with higher property tax revenue.

Zastera's ruling came in a lawsuit filed by the Sarpy County Farm Bureau and eight residents who had claimed the "taxation scheme" seeks to direct money to favored school districts at the expense of taxpayers in other districts.

In October, the Nebraska Supreme Court stayed Zastera's order after the Learning Community appealed.

Attorneys for the Learning Community argue that the lower court erred in granting judgment for the Sarpy County plaintiffs, "because the common general fund levy is for the funding of local education within the Learning Community, a decision which is within the plenary authority of the Legislature."

The plaintiffs counter said in a brief before the state's high court that the lower court got it right.

"The common levy creates a situation in which the Learning Community imposes the common levy, but does not have access to or control over how many of the proceeds of the common levy are used," wrote the plaintiffs' attorney, Matthew Rusch. "The state controls the distribution of the

proceeds of the common levy down to the last dollar."

Public school districts included in the Learning Community are Omaha, Elkhorn, Millard, Ralston, Bennington, Bellevue, Papillion-La Vista, Gretna, South Sarpy, Douglas County West and Westside Community schools.

Not all the districts within the Learning Community are on the same page in the matter. Omaha and Bellevue public school districts have filed briefs in the case calling on the Nebraska Supreme Court to reverse the lower judge's ruling and find the Learning Community's tax levy constitutional.

But Millard Public Schools has filed a brief — and Westside Community's lawyer has submitted a letter — to the high court asking that if the Learning Community's levy is found to be unconstitutional, that the Supreme Court issue a remedy for school funding beginning in the 2012-13 school year.

"Financial disruption and uncertainty would result if the finding of unconstitutionality was deemed effective before the conclusion of the 2011-12 fiscal year," Westside's attorney, Mike Coyle, wrote in the letter.

Man Convicted In Wife's Lover's Death Wins Appeal

BY MELANIE S. WELTE
Associated Press

DES MOINES, Iowa — An appeals court on Wednesday ordered a new trial for an Iowa man convicted of having his wife's lover murdered, agreeing with his attorneys that the conviction was based largely on hearsay testimony that never should have been allowed.

The Iowa Court of Appeals said in its unanimous decision that Vern Huser's trial attorney should have challenged the admissibility of testimony from three witnesses who said Huser's alleged co-conspirator, Louis Woolheater, told them he intended to hurt or kill Lance Morningstar at Huser's request.

"Viewing the evidence in the light most favorable to the jury's verdict, we find substantial evidence that Huser aided and abetted in Morningstar's murder," the court said. "But because we conclude that the most compelling statements showing Huser encouraged Woolheater's criminal acts constituted impermissible hearsay, we reverse and remand for a new trial."

The court reversed Huser's 2010 first-degree murder conviction and sent the case back to the district court.

Huser's current attorney, Alfredo Parrish, said the Ankeny man has always maintained that he's innocent. "We are extremely happy with it," Parrish said of the ruling. "That evidence never should have come into the record and had the jury not heard that, there is the probability that he would have been acquitted."

The attorney general's office is reviewing the ruling and considering its options, spokesman Geoff Greenwood said.

Prosecutors say Huser, 64, conspired with Woolheater to kill Morningstar, who was having an affair with Huser's wife. Morningstar's family reported him missing in 2004, and hunters found his body near Altoona the following year. He had been shot several times.

Woolheater was convicted of first-degree murder in March 2010 and sentenced to life in prison. He and Huser were tried separately.

Huser argued in his appeal that the trial court erred by admitting

the statements witnesses attributed to Woolheater, saying they amounted to hearsay.

The three judges who heard the appeal agreed, but placed the blame for allowing the testimony on Huser's trial attorney, saying it amounted to a "breach of his duty."

Huser's trial attorney, James Cook, did not respond to a phone message left at his West Des Moines office Wednesday seeking comment.

The judges said prosecutors presented a strong case for why Huser would want Morningside killed and presented evidence showing he had threatened the victim and may have knew about Morningside's death before his body was found.

"But the critical link between Huser's well-documented desire to having Morningstar injured or killed and Woolheater's action to that end was Woolheater's statements to three separate witnesses of his intentions to harm or kill Morningstar upon Huser's request," the court said.

Appeals Court Will Review Funeral Protest

LINCOLN, Neb. (AP) — A federal appeals court will review a decision that struck down a Nebraska law that keeps protesters several hundred feet away from a funeral or memorial service.

The *Lincoln Journal Star* reports the U.S. 8th Circuit Court of Appeals agreed Wednesday to review an October ruling by a three-judge panel of the court.

In that ruling about a Missouri case, the panel reversed a lower federal court decision in Nebraska that supported a state law shielding family members attending services.

The cases revolve around the Kansas-based Westboro Baptist Church, which protests at soldier funerals because members claim God is punishing the United States for its tolerance of homosexuality.

Nebraska Attorney General Jon Bruning welcomed Wednesday's announcement.

The Westboro church didn't immediately respond to a request for comment.

Williston School Asks Oil Industry For Help

WILLISTON, N.D. (AP) — Williston school officials are turning to the booming oil industry to help its ailing district.

The *Williston Herald* reports that officials from Williston School District-1recently met with oil company representatives in an effort to gain support for the school.

Superintendent Viola LaFontaine says the district needs more funding and new and better facilities.

Fontaine says she was pleased with the meeting, even though only a handful of the more than 30 companies invited attended the meeting.

She says representatives from four companies agreed to meet with her again.

Mitchell Man Claims \$49K Lottery Prize

MITCHELL (AP) — A Mitchell man has claimed his \$49,000 prize after winning the Dakota Cash lottery drawing.

The *Daily Republic* reports that Terry Kleinsasser claimed the money Wednesday.

Kleinsasser's jackpot-winning Dakota Cash ticket was purchased at a Mitchell restaurant. Dakota Cash is played only in South Dakota. The odds of winning the jackpot are one in about 325,000.

A winning Wild Card 2 ticket, worth \$140,000, was also purchased in Mitchell. That person has not come forward yet.

Neb. Man Imprisoned For Weapons Charge

LINCOLN, Neb. (AP) — A 21-year-old Wymore man has been given 30 months in federal prison on a weapons charge after police searched his home and found a sawed-off shotgun.

Christopher Volle also must serve three years of supervised release after he leaves prison. He was sentenced last week in U.S. District Court.

Volle was indicted in April. The illegal shotgun was found during an earlier search of his residence.

Iowa Woman Sentenced To 5-Years

DAVENPORT, Iowa (AP) — A judge has sentenced a former employee of the Clinton Community School District to 64 months in prison for embezzling more than \$1 million over a four-year period.

U.S. District Judge Robert Pratt sentenced Denise Babcock on Wednesday at the federal courthouse in Davenport. In a plea agreement reached earlier this year, she admitted she took dozens of checks for the district from students, parents, companies and retirees and cashed them in personal bank accounts.

Prosecutors say she used the money to buy sport utility vehicles, a boat, real estate, to pay off her student loans and shop at luxury stores.

CROSSWORD

By THOMAS JOSEPH

ACROSS 45 Fragrance

1 Boot part 46 Moistens

5 Gives a hoot

10 Cogitate

12 Calendar entry

13 "Children of a Lesser God" director

14 Actor Nick

15 Have life

16 Start without a key

18 Exercise lead-in

20 Long fish

21 Hill insects

23 Tina of "30 Rock"

24 "— Lisa"

26 Snake sound

28 Excellent, in slang

29 Put away

31 Pole worker

32 "Relax!"

36 Deli slice

39 One or more

40 "Ta-ta!"

41 Door sign

43 Ultimate

44 Fashionably dated

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Yesterday's answer

17 Make a choice	30 Fort Worth
19 Fellow	33 Coffee-bar
22 Playing marble	order
24 Tuneless	34 Lifeless
25 Disconnected	35 Beginners
27 —	37 College head
Jima	38 Believers' group
28 Coffee-bar orders	42 Fresh

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12-8

A X Y D L B A A X R
is LONG FELLOW

One letter stands for another. In this sample, A is used for the three L's, X for the two O's, etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

12-8 CRYPTOQUOTE

K T I O J K U J W B T H F B T D J K U
I O R K L F R X I C Z O J N O J W
X K R Z R H F T G J I W F Q G, F A N F Y I
G T H X U Q J K F W W Z O J N O J W .

— H T L F H I B R Q Q F I
Yesterday's Cryptquote: REMEMBER THIS DECEMBER, THAT LOVE WEIGHS MORE THAN GOLD! — JOSEPHINE BACON

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