

School's Progress To Use Last Year's Target

PIERRE (AP) — State Education Secretary Melody Schopp says South Dakota will use last year's targets for proficiency in reading and math when measuring schools' progress under the federal school improvement law.

She told school superintendents Wednesday that the state will hold its goals for proficiency in reading and math at 2009-2010 levels instead of increasing those targets.

Schopp says the change is needed because of flaws in the current system for school accountability. She says Congress also has failed to reauthorize the national education law, known as No Child Left Behind.

In a letter to U.S. Education Secretary Arne Duncan, Schopp said the state needs to make the change so schools will not be inaccurately labeled as failing.

The state also lowered its target graduation rate from 85 percent to 80 percent.

Huron Murder Trial Handed To Defense

HURON (AP) — Prosecutors rested their case Wednesday in the second-degree murder trial of Edwin Thompson.

He's pleaded not guilty and not guilty by reason of insanity. Thompson is accused of stomping on 21-year-old Ryan Treadway during a fight in November 2009, resulting in fatal head injuries.

KOKK radio reported that witnesses Wednesday testified about shoe patterns, bloody footprints, DNA testing and blood stain analysis.

Thompson's lawyers will begin calling witnesses Thursday.

Contractor Must Comply With Iowa Subpoena

DES MOINES, Iowa (AP) — A Polk County District Court judge has ordered an Omaha contracting company and its owner to comply with a subpoena from Iowa attorney general Tom Miller's office following customer complaints.

Judge Richard G. Blane II has also prohibited NationWide Construction from doing business in Iowa until owner Mark Schneidewind fully complies with the subpoena, which seeking information about the company's business practices.

A statement from Miller's office says the company was served an investigative subpoena in May of 2010.

Miller says consumer complaints included failure to provide services following payment, substandard services and misrepresentations.

A working phone number for NationWide Construction could not be located.

Neb. Man's Murder Conviction Overturned

NORTH PLATTE, Neb. (AP) — A North Platte man who shot and killed an 18-year-old girl nearly 11 years ago appears set to be released from prison.

Tyler Keup, now 27 years old, was convicted of second-degree murder after shooting Maricella Martinez in August 2000.

That charge has been overturned on appeal and Keup's conviction was changed to manslaughter.

Lincoln County District Judge John Murphy ruled that since Keup was 16 at the time of the shooting, he was incapable of forming intent.

KNOP-TV reports that Keup's original sentence of 30 to 60 years in prison was reduced to 20 years.

But inmates are given a day's credit for every day served in Nebraska's prison system, and Murphy says he suspects Keup will be released upon his return to prison.

Court Upholds Denial In Debit Fee Case

BY DIRK LAMMERS
Associated Press

SIoux FALLS — A judge was correct in denying a preliminary injunction against the Federal Reserve seeking to prevent debit card transaction fee limits from taking effect, a federal appeals court ruled Wednesday.

Minnesota-based TCF National Bank, a subsidiary of TCF Financial Corp., filed the lawsuit challenging the regulations' constitutionality against the Fed's chairman Ben Bernanke and its board of governors in U.S. District Court in South Dakota in October.

Merchants maintain the fee charged for debit cards, also called an interchange fee, is too high.

Banks and Visa and MasterCard say the fee takes into account the cost of setting up and maintaining a secure and sophisticated

debit payment system.

TCF National Bank said in its arguments that the Durbin Amendment to the Wall Street Reform and Consumer Financial Protection Act of 2010 forces banks to do business below market rate and would mean a loss of \$6 million a month for TCF National.

In its written ruling issued Wednesday, the three-judge panel of the 8th U.S. Circuit Court of Appeals said that since TCF is free under the Durbin Amendment to assess fees on its customers to offset any losses, it's skeptical that the amendment has created a price control on the bank's debit-card business.

"The Durbin Amendment only restricts how much certain financial institutions issuing a debit card may charge for processing a transaction," the panel wrote. "It does not restrict how much those institutions may

charge their customers for the privilege of using their debit-card services."

In 2009, \$1.21 trillion in purchases were paid for with debit cards processed through the Visa and MasterCard networks, generating \$19.7 billion in fees paid by merchants, according to data from The Nilson Report, a trade publication. Most of the fees went to banks that issue debit cards.

The Durbin Amendment exempts banks and credit unions with total consolidated assets under \$10 billion, which TCF National's attorneys argued gives thousands of unaffected banks an unfair advantage.

The U.S. Senate earlier this month voted to let the Federal Reserve limit the fees. Senators who wanted to block the Fed's plan needed 60 votes to prevail, but the vote was six short at 54-45.

Time Running Out To Avoid Shutdown

BY MARTIGA LOHN
Associated Press

ST. PAUL, Minn. — Minnesota's governor and top lawmakers sequestered themselves for a sixth straight day of budget talks Wednesday, under added pressure to break an impasse over the \$5 billion deficit after a judge issued a bare-bones list of services that must be maintained if state government shuts down Friday.

A shutdown wouldn't affect critical functions like the State Patrol, prison guards, disaster responses and other essentials. But many services that Minnesota residents take for granted would be closed — including state park campgrounds on one of the summer's biggest holiday weekends, road projects at the height of the construction season and licensing for an array of new professionals from physicians to manicurists.

"This is going to be a tough shutdown, and people will notice," said David Lillehaug, an attorney representing Gov. Mark Dayton in the case. "Anyone who says that government doesn't do anything and doesn't do it well, upon reading this order ... they're going to realize they're very, very wrong."

Dayton, a Democrat, and top Republicans stopped talking pub-

licly about negotiations days ago, saying they didn't want to jeopardize any progress. On Wednesday, legislative leaders swept in and out of Dayton's office, saying little to a pack of reporters and photographers outside.

The negotiators broke around 5 p.m. but planned to resume at 8 p.m. If no deal is reached, the shutdown would start at 12:01 a.m. Friday.

The budget dispute dates to January, when Dayton became the state's first Democratic governor in 20 years and Republicans took over the Legislature for the first time in 38 years.

Republicans swept to power campaigning against tax and spending increases, while Dayton won on a message of raising taxes on the highest earners. A five-month legislative session, and intermittent negotiations since adjournment last month, have produced no visible progress.

With the politicians mostly silent, the most significant development Wednesday came from Ramsey County Chief Judge Kathleen Gearin. She weighed arguments from several parties on which services should be maintained in a shutdown, and ultimately sided mostly with Dayton's minimalist list.

Gearin found that some programs, such as horse racing and child care aid programs not directly tied into the federal welfare

system, were important but did not rise to the level of critical services.

The judge said state payments to cities, counties and schools would continue, as would enough money to keep Dayton's office and the Legislature running with at least skeletal crews. She ordered that the state keep welfare, food stamp and Medicaid health care programs operating.

Republican leaders either declined to comment on the ruling or said they hadn't seen it. Dayton praised it and said he still hopes for a budget deal.

"I would much prefer a fair and balanced budget solution, rather than a government shutdown," he said in a statement.

Gearin named former state Supreme Court Chief Justice Kathleen Blatz as a referee to rule on unclear areas of funding in a shutdown.

Dayton and lawmakers have been in secretive negotiations for nearly a week with no breakthrough. The governor said a day earlier that Wednesday would be a critical day if they are to prevent a shutdown.

Republicans have pressed him to call them into special session to pass some parts of the budget and measures to prevent a shutdown. Dayton has ruled out a special session until he and the Republicans agree on the overall budget.

Missouri River Flooding Disrupts Amtrak Service

OMAHA, Neb. (AP) — Flooding in Plains states is disrupting two Amtrak routes.

Service on Amtrak's Empire Builder route between St. Paul, Minn., and Havre, Mont., was suspended since June 21 because of flooding along the Souris River in North Dakota.

Amtrak says trains are offering limited service east and west of those points on the Empire Builder line.

Amtrak also says Missouri River flooding will temporarily disrupt its California Zephyr service on Wednesday and Thursday. Amtrak says flooding in the Omaha area has made it hard to get all the crews and railcars it needs.

But that disruption will affect only the train scheduled to leave Emeryville Calif., Wednesday and the return trip west scheduled to depart from Chicago on Thursday.

Affected passengers are encouraged to call 800-USA-RAIL for updates.

YOU'RE NEWS!
The Press & Dakotan

Security Tight As Palins Sign Books At Mall Of America

BLOOMINGTON, Minn. (AP) — Security is tight as Sarah Palin helps her daughter kick off a book tour at Mall of America.

Both Bloomington police and mall security are on hand Wednesday as the former Alaska governor and Republican vice-presidential candidate appears with Bristol Palin at a joint book-signing.

Customers have to pass through a checkpoint before getting the two to sign copies of their latest books.

The mall estimates about 1,500 people turned out and that the Palins did about 700 autographs.

Bristol Palin's memoir, "Not Afraid of Life," came out last week and Wednesday is her first public event. Sarah Palin's "America by Heart" was released last fall. HarperCollins imprints published both books.



Out On The Town

JULY 1, 2, 3
SUPER 8

Fri. 7:30 PM • Sat. 7:30 PM • Sun. 4 PM
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Pizzaburger & Fries **\$5.00**
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Friday

Apple Glazed Pork Chop
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Saturday

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Bingo Wed. at 7:00pm
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\$2,000 in Total Cash Drawings
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