

**1705 Items \$100 or Less**

**Bronze Ford Progress** coin, 30 Years of Progress, 1903-1933, unveiled at the World's Fair Chicago, rare, \$49. Small children's writing desk, nice, \$51. (605)925-7261.

**Kenmore refrigerator** with working icemaker, older model, runs well, in good shape, \$75. Call (605)660-0466.

**Legos sets, farm sets, farm vehicles and cars, vehicle set.** All in great condition, storage container included. 4 sets, \$10-15 each. (605)660-0546.

**Washer and electric dryer,** work good, \$100 for pair. (605)660-2740.

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**Vaughan Bassett queen size bedroom set** with headboard/footboard, frame, armoire, chest of drawers, 2-night stands. Excellent condition, \$700. (605)661-5858.

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**Free: 10 U-Haul cardboard moving boxes.** Excellent condition, (605)664-0371.

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**1840 Lost and Found**

**Found: Vehicle ignition key** on Fairway Drive. Call (605)665-6295.

**Lost: Pair of Maul Jim** prescription sunglasses with metal frame. Left at polling area in JoDean's on 11/6 around noon. (605)661-4290 or (605)260-0814.

**Lost: Prescription Oakley** glasses black & metal framed on 11/7 between 2nd Street and 8th Street. Reward. Call (605)857-9082

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**YOU'RE NEWS!**  
The Press & Dakotan

# S.D. Legislative Panel Backs University Funding Plan

BY CHET BROKAW  
Associated Press

PIERRE — A South Dakota legislative panel on Tuesday backed a plan aimed at giving state universities and technical schools their fair share of any increases in state revenue.

The proposal, which will be submitted to the full Legislature in January, does not require the governor and the Legislature to fund the schools at any particular level. It instead suggests a formula for funding the schools. The panel voted unanimously to endorse the proposal.

Under the proposed formula, the six universities and four technical schools would first get extra funding to account for inflation, up to a maximum of 3 percent a year. They then could get added funding to cover increased enrollment and additional programs offered. Finally, the schools could get added money for expanding research and producing graduates in math,

science, engineering, technology or other critical fields.

Rep. Tad Perry, R-Fort Pierre, said the measure at least gives the Legislature a framework for discussing high education budgets, an improvement over past decisions that were not based on specific criteria.

"Things just happened in the last decade. Now we would have a framework where we could say: 'Stop and think about it,'" said Perry, who was director of the state Board of Regents before he became a legislator.

For example, if total state revenues are projected to increase by 6 percent in a year, the universities and technical schools might get a 3 percent increase for inflation, a 2 percent boost for increased enrollment and a 1 percent addition for expanding research and producing more graduates in key fields, Perry said.

Harvey Jewett of Aberdeen, a member of the Board of Regents that governs the

six state universities, said the university system budget has effectively been reduced by \$100 million in the past dozen years because of actual cuts and the lack of increases to cover inflation. At the same time, enrollment in the universities has grown by 8,000 students, he said.

Rep. Susan Wismer, D-Britton, said she would prefer that the bill require use of the funding formula, but Republican Gov. Dennis Daugaard apparently wanted the recommended formula to be non-binding.

But Sen. Larry Tidemann, R-Brookings, said a recommended funding formula is a good first step.

"I seek this as a great start in investing in post-secondary and higher education" Tidemann said.

The six universities have a total budget of \$805 million this year, with \$168 million of that coming from state general funds. The four technical institutes have a total budget of \$21.5 million, with nearly all of it coming from state appropriations.

## UNK Seeks Dismissal Of Housing Lawsuit

BY GRANT SCHULTE  
Associated Press

LINCOLN, Neb. — The University of Nebraska at Kearney is asking a judge to dismiss a lawsuit that accuses administrators of illegally denying a student's request to keep a dog as a therapy animal in her university apartment.

The Justice Department sued the university for allegedly violating the U.S. Fair Housing Act after administrators refused former student Brittany Hamilton's request to keep a dog to help her cope with depression and anxiety.

At issue is whether university housing qualifies as a "dwelling" that is subject to the U.S. Fair Housing Act. The federal law says facilities that ban pets can't deny reasonable requests for service or therapy animals.

The university's policy bans pets other than fish from its housing unless the student has a disability that requires a service animal or works on staff as a hall director. Hamilton had asked to keep a 4-

pound miniature pinscher named Butch in her apartment but was denied. The Justice Department lawsuit alleges that Hamilton could not afford other housing options in or around Kearney, and needed the dog to focus on her school work. An Omaha nurse prescribed the dog to help her handle anxiety attacks that made it difficult to sleep and breathe.

The university's attorney, Scott Moore, argued in court papers last week that universities aren't landlords and the federal housing law doesn't apply to them.

"While it may seem counterintuitive, no reasonable person familiar with the plain meaning and intent of the act could conclude that the university's student housing is a 'dwelling,'" Moore wrote in a court filing.

Moore said the university's housing serves only as a temporary home for students, and few stay beyond their first year. Nearly 60 percent of students live in university housing as freshmen, compared to 8 percent of all seniors. And "only a tiny fraction" of students live in the

same room for more than a year, Moore said. The university requires full-time students to stay in campus housing if they are younger than 19 on the first day of the semester.

University administrators also enforce rules not seen in normal leases, including an alcohol ban and a rule that prohibits students from hosting opposite-gender guests overnight. The residence halls also close during holidays and winter breaks, forcing students to live elsewhere.

In their decision to reject Hamilton's request, university officials argued that allowing the dog would set a precedent for other pets.

"This is not a service animal but rather a pet," Christy Horn, a disabilities compliance officer, said in an email exchange with other university administrators. "The federal government has issued rules on service animals and unless this animal can be classified as a service animal, we are opening a big can of worms. In essence, anyone can have their doctor say they are anxious and need to have their cat, dog, snake or monkey."

## 'Green' Building Slow To Catch On In S.D.

ST. LOUIS — Four years ago, the South Dakota Legislature passed a bill requiring all new government buildings and major renovations to be certified under a program that encourages environmentally friendly construction.

Since the law went into effect, 13 state projects — eight new buildings and five renovations — have attained at least a silver designation in LEED, or Leadership in Energy and Environmental Design, as the law requires. Ten have been registered and await certification.

State records also show that the state engineer's office has waived the requirement for 32 projects where the costs of certification would have been prohibitive, or because the renovations would encompass less than half the building, or for other reasons.

"(LEED is) much better than a mandatory building code because

you get a little wiggle room in these projects," said Mike Mueller, a spokesman for the South Dakota Bureau of Administration, which brought the bill in 2008. "The state recognizes that we can't pick a standard and then pursue it at any and all cost."

In recent years, LEED has grown in popularity as a market-based approach to encouraging sustainable building. The program is administered by the U.S. Green Building Council, an organization of builders, architects, developers and other stakeholders.

But South Dakota has been slow to adopt the standards. The state has 32 projects certified under LEED and 67 registered, according to U.S. Green Building Council records. On average, it takes South Dakota LEED projects about three years to move from registration to certification, compared with a na-

tional average of approximately 28 months.

"I don't think the developers have really grabbed on," said Stacey McMahan, a principal at Koch Hazard Architects in Sioux Falls.

Here's how the program works: Developers — more often commercial than residential — are awarded points on a 100-point scale for including sustainability measures in the project's design and construction. These include everything from low-flow toilets and native landscaping to complex renewable energy systems.

Some points are awarded automatically, based on the building's proximity to public transit and essential services, for example, or for having a LEED-certified developer on the project team. More points mean a higher final designation of certified, silver, gold or platinum.

## Issues

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gather a lot of tax dollars from out-of-state tourists coming through the state," he said. "People may support it if they see the end in sight (each year), and it wouldn't be an extreme burden on our local system to change (collections) for a three-month tax."

A dedicated sales tax would spread the cost of funding education, Culver said. "With an opt-out, landowners pay 100 percent of it. With the sales tax, 30 percent of people from outside the state would pay it," he said.

However, people remain skeptical about a dedicated sales tax, Culver said. Many voters refer to video lottery money that never went to education, he noted.

"Even though there was nothing in the (video lottery) bill that said it was going specifically for education, some commercials implied it," he said. "We tried to explain that, this time, the (use of the extra sales tax) was written into the law, that this was what the money was going to do. But you heard people say the amount of money wouldn't make a difference, and it would be just like video lottery and not go into education."

Alvey also heard the video lottery comparison. He also heard voters say schools may get the sales tax during the first year, but the law would then be changed and the additional money put into the general fund.

Those fears were reinforced by the state not following the school funding formula during the past two years, the superintendents said. The formula calls for an annual state aid increase of 3 percent or the rate of infla-

tion, whichever is less. In addition, state aid has included one-time money, which makes long-range planning difficult, they said.

An 8.6 percent cut in state aid, combined with two years of not following the 3 percent raise, amounted to an actual 14.6 percent cut, Knudson said.

"The hope is that the Legislature will provide additional funding to help South Dakota schools out, but we're not holding our breath," he said.

In addition, the federal government faces sequestration, or \$1.2 trillion in budget cuts scheduled to take effect Jan. 1, Knudson said. "That will mean more federal funding decreases to federal school programs, which will be significant," he said.

**TIME FOR REFORM?**

The three superintendents weren't surprised the other ballot measure, a reform package known as HB 1234, was defeat in last week's election. In particular, they heard opposition to merit pay for teachers.

Knudson referred to HB 1234 as "a bad bill from the beginning" on all fronts.

"Merit pay will not work because smaller districts take pride in collaboration and working together for the benefit of all children, even with the state telling the school what to teach and when we are to teach it," he said.

"The Bon Homme school district, and South Dakota generally, are fortunate in having excellent teachers and well-run school districts. But more funding is needed to keep those teachers without pitting one against another."

HB 1234 was hurt by the lack of input from educators early on, Alvey said.

"There were some compromises to make it better, but by

**"The hope is that the Legislature will provide additional funding to help South Dakota schools out, but we're not holding our breath."**

BRYCE KNUDSON

that time, people had decided if they were going to support it or not," he said. "The rumor is that parts of this bill will come back. If it has some things to be worked on before the session, we want to be part of it so it is well written and there is less controversy and fighting."

Culver and Alvey heard concerns about teacher tenure from both sides. The two administrators said they didn't want to see the elimination of tenure, as it ensures teachers receive fair treatment. On the other hand, the current process allows for the removal of low-performing teachers, the two superintendents said.

HB 1234 did contain positive ideas, such as incentives encouraging college students to enter teaching, particularly in hard-to-fill areas, Culver said. Rather than focus bonuses and scholarships toward math and science teachers, such programs should allow districts to target any high-needs areas, he said.

"It's hard to get people to apply for special education," he said. "We were lucky to fill an opening in industrial technology. We opened it up a second time, and a teacher applied because of a change in the family situation. Otherwise, we didn't get a single applicant."

South Dakota must increase its teacher pay to remain competitive, Culver said.

"We have known for a long time in education that we are

50th in the nation," he said. "But out of 50 states, our average teacher pay was \$8,000 behind number 49, and that is North Dakota."

Avon's base salary for teachers with no experience stands at \$30,000 this year, Culver said. "If you have a family with one income, you may be getting down to \$1,300 or \$1,400 of disposal income after taxes and insurance. In most cases, how can you afford to live on that?" he asked.

The problem becomes especially strong for South Dakota communities located along state borders, Culver said. Mount Marty College and University of South Dakota graduates can go to Iowa, Nebraska or Minnesota and make much more money, he said.

Scholarships and other incentives are needed, especially for recent college graduates with large student loan debt, Alvey said. Some schools, especially remote districts, are unable to fill some subject areas, he said.

"You have some schools where classes are taught by people not considered highly qualified," he said.

**SHOW ME THE MONEY**

Low teacher pay has created another problem with college students who bypass an education career altogether, Alvey said. "The best and brightest need to be attracted to the teaching profession. We want those math and science students who are going into nursing and engineering," he said.

High-paying jobs don't require a college degree, Culver said. He noted that graduates from a two-year vocational program can make \$60,000 annually working with wind-generation towers.

South Dakota must make school funding a priority or fall further behind in a global econ-

## Nebraska County Official Fined For Misconduct

WAYNE, Neb. (AP) — A northeast Nebraska county commissioner has been fined \$1,000 for charges of theft and misconduct, but Kelvin Wurdeman is fighting an effort to recall him from office.

KTCH radio reports that Wurdeman was sentenced last week on two misdemeanor charges that he pleaded no contest to. Prosecutors say Wurdeman stole and sold a truckload of publicly owned scrap metal.

Wayne County voters will have the chance to vote whether to recall Wurdeman from office on Nov. 20. He is in the middle of his fourth term in office.

The recall petition accuses Wurdeman of removing some dirt from a landowner's field without permission and using it to address a nearby road problem. Wurdeman says he paid the landowner \$150 for the dirt to resolve the issue.

## S.D. Senate Majority Picks Leaders

PIERRE (AP) — The Republican majority in the South Dakota Senate has re-elected Sen. Russell Olson of Wentworth as its leader for the next two years.

It will be Olson's second term as Senate majority leader. The *Argus Leader* reports that the 28-member Republican caucus also chose Sen. Tim Rave of Baltic as assistant majority leader. He replaces Sen. Corey Brown of Gettysburg, who was chosen to be president pro tempore.

The president pro tempore presides over the Senate when the lieutenant governor is absent. The full Senate will officially elect the new president pro tempore.

Republicans will hold a 28-7 edge over Democrats in the Senate when the legislative session opens in January.

House Republicans and Democrats in both chambers will pick their leaders later this week.

## 2 Western S.D. Schools To Close Next Year

ST. LOUIS (AP) — The school board in western South Dakota's Custer County has voted to close two schools, while in the eastern city of Sioux Falls hundreds of people have signed petitions or written to the school board objecting to plans to consolidate schools.

KOTA-TV reports that the Custer County School Board voted 4-3 to close the Spring Creek and Fairburn schools after this school year. Supporters say it will save the county about \$130,000 annually, but opponents say it'll mean longer commutes for some students to Hermosa and Custer. Board member Larry Vickers resigned and left the meeting following the Monday night vote.

In Sioux Falls, the *Argus Leader* reports that officials propose to consolidate three elementary schools into one to save money. The school board is to vote Nov. 26.

## S.D. Winter Wheat Crop Emerging Slowly

ST. LOUIS (AP) — South Dakota's winter wheat crop is about 43 percent emerged, but behind last year's pace and the five-year average.

The U.S. Department of Agriculture says in its weekly crop and weather report that winter wheat is rated at 21 percent very poor, 32 percent poor, 44 percent fair and 3 percent good. By this time last year, the crop was 98 percent emerged and the five year average is 97 percent emerged.

Cattle conditions are rated at 72 percent good to excellent, 25 percent fair and 3 percent poor.

Precipitation was a bit more widespread this past week with nearly all locations receiving some moisture and about half the stations reporting above average precipitation. Vermillion had the highest total for the week at 0.51 inches.

omy, Knudson said.

"When will those in the position to make financial decisions at the state and federal levels come to realize that inadequate funding and continuous cuts in K-12 education directly affects the life of the children with whom we work?" he asked. "States that have surpassed South Dakota in test scores are all funding education much better than we are."

The funding issues come at the time when more demands are made on education, Knudson said.

Knudson challenged state lawmakers to make school funding a priority during the 2013 session. "Should that not be the goal of the Legislature, to at least catch up?" he asked.

Alvey has seen one bright spot — the two ballot measures

generated a great deal of interest in education.

"There has been more discussion over the last month than the last nine months about education funding. That's been a silver lining," he said. "A lot of light was shed on needed funding and how schools use that funding to bring back programs or reductions. There are schools who need the funding just to survive."

Alvey said he remains optimistic about the future of education in South Dakota.

"Hopefully, the economy is working in a positive direction and the revenue will be there (for school funding)," he said. "We're excited to get to the next phase and let Pierre get to work."

You can follow Randy Dockendorf on Twitter at [twitter.com/RDockendorf](http://twitter.com/RDockendorf)

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