

SOUTH DAKOTA

Retirement System Rebounds

Program Ended Fiscal Year
Up \$1.6B From A Year Earlier

BY CHET BROKAW
Associated Press



Wylie

South Dakota pension system a reserve of about \$500 million above its liabilities, Wylie said. "A good performance has done amazing things," Wylie said.

Because the value of assets fell during the recession, the annual cost-of-living adjustment for retirees in the system has been held at 2.1 percent for the past two years. The improved financial health of the system means pension payments will increase by 3.1 percent next July, he said.

Wylie said the value of the Retirement System's assets has fallen by about 7 percent, or approximately \$560 million, since July 1. But investment officials said those assets will fluctuate daily in the current turbulent stock market.

The system's assets peaked at \$8.2 billion before the national recession, but fell to \$5.6 billion by June 2009. After gaining 18.7 percent a year ago and nearly 26 percent in the past year, the system had \$7.9 billion in assets as of June 30 — a gain of more than \$1.6 billion from a year earlier.

The system has more than 70,000 members, and most are still working. It includes employees

of state government, cities, counties and school districts, and pays more than \$300 million a year in retirement benefits.

The Investment Office earned an extra \$245 million last year by exceeding the average earnings of similar pension plans around the nation, said Joseph Anglin, chairman of the council that sets investment policies.

Based on the good investment returns, the Executive Board voted to give State Investment Officer Matt Clark an incentive bonus of \$263,203, or 67.8 percent of his annual base salary of \$368,938. Clark's annual bonus, which is added to his base pay, is calculated under a formula that takes into account investment returns for the past year and the previous four years. Other senior staff at the Investment Office also receive bonuses.

Sen. Larry Tidemann said the Investment Office staff deserves the bonuses.

"Looking back two years ago, we never thought we'd be back up to the level we are. It was due to the diligence of the Investment Council and the Investment Office," Tidemann said.

Clark told lawmakers that trust funds supporting education and health care programs also grew by more than 20 percent last year.

Third Officer In R.C. Shooting Returns To Duty

RAPID CITY (AP) — Rapid City Police Officer Tim Doyle has returned to work three weeks after he was shot in a shootout that killed two colleagues.

Police say the 39-year-old Doyle started work Monday as a school liaison officer at Central High School.

Two other Rapid City police officers, James Ryan McCandless and Nick Armstrong, died from injuries sustained in the Aug. 2 shooting in which Doyle was injured.

The suspect, 22-year-old Daniel Tiger, died one day after the shootings.

Cropduster Crash In South Dakota Kills Pilot

WHITEWOOD (AP) — The crash of a crop-spraying plane in western South Dakota over the weekend killed the pilot.

Authorities say 64-year-old Loren Ring of Rapid City died in the Saturday crash near Whitewood. The Federal Aviation Administration is investigating.

The pilot was the only person aboard the small Piper PA-25 plane.

Daugaard Unveils Plan To Fight Pine Beetle

HILL CITY (AP) — Gov. Dennis Daugaard pledged Monday to spend \$1 million annually over the next three years to fight the mountain pine beetle, which has already damaged hundreds of thousands of acres of forested land in South Dakota.

The beetles have killed millions of trees across the Rocky Mountain region in recent years. The U.S. Forest Service estimates that the beetles have damaged 400,000 acres of the 1.2 million-acre Black Hills National Forest in southwest South Dakota and northeast Wyoming. Officials estimate at least 40,000 acres will be infested this year.

Huge swaths of trees killed by the beetles pose a big wildfire risk, Daugaard said as he detailed his Black Hills Forest Initiative during a stop in Hill City, about 25 miles southwest of Rapid City. He said the project is needed to more aggressively attack the state's increasing beetle problem.

"Unless bold, well-coordinated efforts are undertaken soon, the mountain pine beetle epidemic will cause irreparable losses to the Black Hills," he said. "We will not wait for the fire to rage to mobilize our response."

3 People In Custody After Omaha Author Shot

OMAHA, Neb. (AP) — Omaha police say three people are now in custody in the shooting of an Omaha man who transformed his life from a convicted drug dealer to a respected author.

Kerry Baker was wounded on Aug. 3 while working inside a barber shop. He served time in prison in the last decade. He earned respect after writing "Playboy Mack," a self-published murder mystery.

Police on Monday say a warrant was issued for a teenager for felony assault, robbery and use of a gun to commit a felony. He's being held at the Lancaster Youth Center on an unrelated charge.

Two others were arrested earlier this month. Nineteen-year-old Raymond Nash and 16-year-old Dajreaun Clements, who's charged as an adult, face robbery and weapons charges.

NEBRASKA

Prosecutors Appeal Incompetency Ruling

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — Prosecutors trying to charge a man who was found incompetent to stand trial for the murder of his ex-girlfriend will soon get a chance to convince the Nebraska Supreme Court to allow a trial.

The high court agreed to hear their appeal in the case of Cesar Penado, whom prosecutors believe killed his ex-girlfriend, Maria Rosario Moreno, in 2007 because he was angry about their relationship. Her body was found in the bedroom of her third-floor apartment near downtown Lincoln, with her neck cut.

Attorneys are scheduled to argue before the Supreme Court on Sept. 8, according to the court's recently updated docket. One of Penado's public defenders declined to comment on the appeal Monday, and prosecutors didn't immediately respond to a message left Monday afternoon.

Penado, 40, was initially charged in the death, but Lan-

caster County District Court Judge Steven Burns ruled in 2008 that Penado was unable to understand the first-degree murder charge against him and committed him to the state psychiatric hospital in Lincoln.

Doctors for Penado and the state initially testified that he suffered from a mild form of mental retardation and a major depressive disorder, and showed psychotic symptoms.

Doctors for the state later found that Penado had become competent to stand trial, but the court continued to review Penado's competency twice a year and has found him incompetent each time.

Then last year, the Nebraska

Court of Appeals vacated Burn's incompetence finding from 2009 following an appeal by state prosecutors. In response, Burns amended his order to say that while Penado remained incompetent to stand trial, there was a substantial probability that he would become competent in the near future.

Yet when Penado's case was reviewed in August 2010, Burns again found that Penado was not competent to stand trial and likely would not be in the foreseeable future.

In their appeal, state prosecutors argued that the lower court erred in the August 2010 decision, pointing to three mental health professionals who testi-

fied in 2010 to their belief that Penado is now competent to stand trial.

Public defender Dennis Keefe countered in his brief before the state's high court that Penado's developmental disability, coupled with his inability to speak English, would make it impossible for him to assist in his own defense.

"Appellee cannot read or write in Spanish or English," Keefe said of Penado. "He attended school until only the third grade in El Salvador."

Keefe also said prosecutors failed to file a timely appeal, meaning the Nebraska Supreme Court lacks jurisdiction in the case.

Neb. Medicaid Refunds \$169K To Feds After Audit

LINCOLN, Neb. (AP) — Nebraska Medicaid has refunded nearly \$169,000 to the federal government after an audit found improper billing for housecleaning, hospital care and personal services, a state spokeswoman said Monday.

The state agency claimed an estimated \$275,000 in "unallowable" Medicaid reimbursement for personal care services over a two-and-a-half year period, according to a report released last month by the U.S. Department of Health and Human Services' Office of Inspector General.

Nebraska's program is administered by the state Department of Health and Human Services and financed by federal and state government. Local social service workers in more than 100 offices throughout the state approve personal care services, such as bathing and meal-making, for disabled and low-income beneficiaries.

State officials said they are correcting the errors with new filing rules and a more user-friendly, automated billing system. Department spokeswoman Kathie Osterman said the amount owed was taken out of the federal government's quarterly Medicaid payment to the state during the fiscal quarter that ended in June.

The audit examined 100 randomly selected claims paid between Jan. 1, 2007, and June 30, 2009. Auditors estimated that, based on their sample, Nebraska Medicaid claimed \$7.4 million for care services that may not have been allowed under federal and state rules. Of that amount, an estimated \$4.5 million was federal money.

The \$169,000 paid back was based on the 100 claims actually examined.

Personal care providers must record the time spent on services, obtain a beneficiary's signature and submit billing documents and timesheets to the state. A pre-approved plan specifies the number of visits per week and the estimated amount of time to finish each task. Federal auditors compared timesheet entries with billing documents the providers submitted for services.

The federal review found errors in all but 8 of the 100 paid claims. Five had inaccurate or missing documentation.

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Summer

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- 2 **SECOND COURSE** choose one entrée: **Cajun Chicken Linguine, 7oz Top Sirloin, Honey Pepper Pork Chop, Coriander Salmon, Chicken Oscar, Blackened Salmon Salad**
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