

Cigar Bar Owners Discuss Plans

OMAHA, Neb. (AP) — Cigar bar owners met in Omaha this week to discuss the Nebraska Supreme Court's ruling banning their customers from smoking indoors.

The state's highest court ruled last week that exceptions allowing indoor smoking in cigar bars and tobacco shops were unconstitutional. It said the exceptions did not conform to the smoking ban's purpose, which is to prevent secondhand smoke.

Representatives from 11 cigar bars met Wednesday in Omaha to brainstorm ways to stall the effects of the court's ruling, *The Lincoln Journal Star* reported.

Cigar bar owners said they will let their customers continue to smoke until their cigar bar licenses expire on Oct. 31. Some said they want lawmakers to take up the issue in next year's legislative session.

"It's dim, but there's a glimmer of hope that hopefully working together as a unified body we'll be able to make some progress," said Jason "Hutch" Hutchinson of Jake's Cigars and Spirits in Lincoln.

The Nebraska Liquor Control Commission said it will not renew or issue any new cigar bar licenses, but that the bars will be able to renew their underlying liquor licenses. The Legislature added an exemption in 2009 to the Nebraska Clean Indoor Act that let the commission grant cigar bar licenses.

Hutchinson said the court's ruling will cost him revenue, but that cigar sales will continue. He said he had to ease the worries of customers who thought the cigar bar would be closed.

"We existed before smoking," he said, "and we'll exist long after smoking if we don't get it back."

Corps To Release More Water From Oahe

PIERRE (AP) — The U.S. Army Corps of Engineers plans to increase water releases from the Oahe Dam after parts of the upper Missouri River have received more late-summer rain than usual.

Corps officials tell KCCR Radio that the increased releases won't cause any flooding.

Releases from the Oahe Dam will increase from about 28,000 cubic feet per second to almost 40,000 cubic feet per second starting this month. That rate will continue into early December.

Jody Farhart of the Corps says officials need to evacuate about eight feet of water from the Oahe Reservoir before next spring.

Neb. Doctors To Treat Ebola Patient

OMAHA, Neb. (AP) — Doctors at the Nebraska Medical Center say they're ready to treat a missionary who was infected with Ebola while serving in Liberia.

The North Carolina-based charity SIM announced earlier Thursday that Dr. Rick Sacra is the patient expected to arrive in Omaha on Friday for treatment.

A special isolation unit at the Nebraska Medical Center is one of four nationwide, and it is the largest with 10 beds.

Dr. Phil Smith, who oversees the unit, says the unit was designed for exactly this kind of event.

University of Nebraska Medical Center Chancellor Jeffrey Gold says doctors have been preparing to treat a patient like this for some time.

Gold says he's confident all of the patients, doctors, staff and students at the facility will be protected during this treatment.

Pair Arrested For Human Trafficking

SIoux FALLS (AP) — A Minnesota man and woman have been arrested after police say the pair forced a 33-year-old Minneapolis woman to prostitute herself in Sioux Falls.

Sioux Falls police spokesman Sam Clemens tells the *Argus Leader* police began monitoring a local hotel after a work reported suspicious activity. Police say they arrested three men who exited a hotel room on drug and hiring sexual activity charges. They also found the Minneapolis woman in the hotel room. She told police she was forced into prostitution by a 31-year-old Minneapolis man and a 26-year-old woman from St. Peter, Minnesota.

The woman gave the names and descriptions of the suspects. Officers later stopped their vehicle and arrested the man and woman on charges of human trafficking and pimping.

Woman Dies After Car/Train Accident

BOX ELDER (AP) — A western South Dakota woman is dead after her vehicle and a train collided.

The South Dakota Highway Patrol says 52-year-old Monica Westin drove in front of an oncoming train at a railroad crossing in Box Elder. The train struck Westin's 2003 Oldsmobile Alero in the driver's side rear door, dragged the vehicle for a short distance and then pushed it into a field.

Authorities say the Box Elder woman was thrown from the vehicle during the crash. Westin was wearing a seatbelt. She was pronounced dead at the scene.

The Patrol says the incident is under investigation.

Neb. Ranks 23rd For Adult Obesity

OMAHA, Neb. (AP) — A new report says Nebraska had the nation's 23rd highest adult obesity rate in 2013.

The report released Thursday by the Trust for America's Health and Robert Wood Johnson Foundation found that 29.6 percent of adults in Nebraska were obese last year.

Nine of the 10 states with the highest obesity rates are in the South.

Mississippi and West Virginia tied for the top rate, at 35.1 percent. Colorado's 21.3 percent was the nation's lowest.

Nebraska's obesity rate was higher than in Colorado and Wyoming but lower than its neighboring states of Iowa, Kansas, Missouri and South Dakota.

Club

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Merhib. "This year, St. Ben's is the same, but Webster, Lincoln, Stewart and Beadle are now all at the one site."

Saying this wasn't a decision that was made quickly, Merhib explained that it finally came down to wanting to provide the highest quality and best possible experience for each child involved in the program.

"In the past, we averaged 20-30 children at each site," she said. "With that, it would become an issue of staffing. We would have two people staffed at a site, but if one student was crying or needed help, then you were down to one teacher with all the other students. By moving to one location, we are able to have more specialized staffing — we have a healthy living coordinator, an academic success coordinator and more."

Having the leadership on site is beneficial for parents and students alike, Merhib said.

In addition, by moving to one central site, the academy

is able to provide more age appropriate programming.

"Take, for existence, Webster Elementary that has junior-kindergarten through fifth-grade," Merhib said. "Of the 20-30 students that were members of the program, we had maybe two fifth-graders and the rest were junior-kindergarten through second grade. By moving to one site, we are able to group all the older students together and give them more age-appropriate programming."

Merhib said that currently there are 350 members enrolled in the academy, but that about 150 students are taking part after school and another 40 in the morning.

In addition, the academy has implemented a computer system for checking in and out the students as they arrive and leave the site, both in the morning and after school.

"It is a great program that we have had, but not been able to fully implement because of the variety of sites," Merhib said. "Now, when a child is picked up, they scan their card and we are able to track and keep the students much safer. The program also links directly to our

S.D. Retirement System Sets Record High

BY BOB MERCER
State Capitol Bureau



Clark

PIERRE — Investments gained a net 18.90 percent for the South Dakota Retirement System in the 2014 fiscal year that ended June 30, taking the portfolio's market value to a record \$10.6 billion, state officials said Thursday.

But the head of state government's investment management office said the current situation in the markets is like "a sugar high" that can't be sustained at its recent pace.

The 18.90 percent gain translated to an increased value of about \$1.7 billion in one year.

SDRS relies on increased investment earnings that must grow by an average of more than 7 percent annually to stay in financial balance over a 30-year period.

The importance of the investment earnings is clear from one statistic. Money from the portfolio paid for more than half of the \$421.8 million provided in benefits during fiscal 2014 to 24,375 retired members and spouses.

Employers and employees contributed \$211 million, while refunds ran \$24.5 million and management expenses were \$3.5 million.

It was the second straight year of strong investment gains for the public pension system. The fiscal 2013 return was 19.53 percent.

SDRS had 79,101 members including benefit recipients as of June 30. They range from state government and state university employees to school teachers, city and county workers and law enforcement.

State investment officer Matt Clark cautioned the SDRS trustees that investments generally are priced right now at about 10 percent above fair value.

He said they had fallen to about 50 percent of fair value during the depth of the 2008-2009 financial crisis.

He said they are almost back to the peak-value conditions of 2007 immediately prior to the crash.

"So there isn't much left," he said. "The only thing left, with some small exceptions, is for assets to go over value more. ..."

"It's a sugar high, a party to enjoy while it's happening, but you know you're going to pay the next day," Clark said.

A 15-year review of SDRS returns shows big ups and downs.

A 10.79 percent gain in 2000 was followed by losses of 2.88 percent in 2001 and 4.88 percent in 2002 and a gain of only 4.95 percent in 2003.

Four years of double-digit gains followed including a peak of 21.39 percent in 2007.

Then the plunge took the system into the depths, losing 8.65 percent in 2008 and 20.36 percent in 2009.

Clark said those losses, combined with the failure to reach the necessary 7-plus percent average annual gains, put the system behind by approximately 50 percent.

There were big rebounds with 18.73

percent gain in 2010 and 25.84 percent more in 2011.

The year 2012 saw another hiccup with only a 1.91 percent increase in value. The past two years have seen gains approaching the 20 percent mark again.

Clark said the State Investment Council loaded up investments that looked cheap during the 2008-2009 turmoil and values went up.

He said it's hard for the markets to keep growing as they have the past few years.

"We'll have to do bad first," Clark said, describing the stock market as needing to "recoil the spring."

He said the first time something bad happens, people will pull out and the exit will spread.

"We're going to have put some of it back at some point," Clark said about the huge gains of late. He said it's like a farm that's had a bumper year and "the bins are bulging" right now.

Clark's analysis is that "the debt bubbles" in the global economy are larger now than in 2007 but governments hold much more of the debt this time.

He fears next time will be a worse crash.

"I think the risk gets higher, because we've transferred so much of the debt to the government section and weakened what we can do from here," he said.

The trustees began talks Thursday about assembling plans for difficulties in the future. They will look at numbers during their December meeting.

Keystone Seeks PUC Recertification

BY REGINA GARCIA CANO
Associated Press

SIoux FALLS — The operator of the long-delayed Keystone XL crude oil pipeline said Thursday it will ask South Dakota's utility regulators to recertify the portion of the project that runs through the state before the end of the month.

The president of Keystone Projects for TransCanada Corp., Corey Goulet, said the state's Public Utilities Commission must re-certify that the conditions for construction of that portion of the nearly 1,200-mile pipeline have not changed since the permits were issued four years ago.

Goulet said the company will submit the petition Sept. 15.

"What we are doing is

providing a petition that shows that if anything, the conditions are better than they were previously," Goulet said, adding that the construction conditions have improved in part because of nearly 60 stipulations that the federal government imposed on the project since it was first approved by the commission.

The three commissioners will determine the process to recertify the pipeline.

The proposed project would transport oil from Canadian tar sands through Montana and South Dakota to Nebraska, where it would connect with existing pipelines to carry more than 800,000 barrels of crude oil a day to refineries along the Gulf Coast.

Advocates say it will create thousands of jobs and

aid energy independence, but environmentalists warn of possible spills and say transporting oil will eventually contribute to global warming.

The State Department said in a Jan. 31 report that building the pipeline would not significantly boost carbon emissions because the oil was likely to find its way to market by other means. It added that transporting it by rail or truck would cause greater environmental problems than if the Keystone XL pipeline were built.

The project has become a major flashpoint alongside the larger debate over carbon emissions, drilling policies and tax breaks for energy companies.

"I think the average person in America and South Dakota supports this

project," Goulet said. "There is a minority of people that kind of fundamentally oppose this project because it's associated with energy from hydrocarbons."

Goulet said the project would generate \$20 million in taxes per year for the counties through which the pipeline would run, as well as 4,200 jobs in the state and about \$200 million in wages associated with those jobs.

The Obama administration said in April it was putting off its decision on whether to approve the pipeline indefinitely. A decision now isn't expected until after the November elections.

Goulet said TransCanada could be ready to begin construction in the last quarter of 2015 should the project receive presidential approval at the beginning of next year.

Nebraska

Inmates Released Early Due To Failed Procedures

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska's prison system released hundreds of inmates too early because employees were confused about proper sentencing procedures and had nowhere to turn for advice, a former state administrator said Thursday.

Ron Riethmuller, a former records administrator, told lawmakers that the job was ultimately left to a state records clerk who shouldn't have been responsible for the task.

"Government bureaucracy at its finest," Riethmuller said in testimony to a legislative committee that is investigating what happened. "The records department had no direction. There was no one to go to. There was no one running that division that had any knowledge of what was going on."

The now-retired clerk, Jeanne Douglass, is at the center of a scandal in which the Department of Correctional Services disregarded the Nebraska

Supreme Court. The court issued a ruling in 2013 that spelled out the proper way to calculate sentences for prisoners who are serving mandatory minimums, but the order wasn't followed.

Emails later revealed that the attorney general's office had notified Douglass about the ruling, but that she questioned whether doing so was practical or in the best interest of prisoners, who would end up serving longer sentences.

Riethmuller said the duty of calculating sentences should have fallen to the state records administrator, and not Douglass, but the job was given to her after he left in 2008. Riethmuller's successor, Kyle Poppert, was suspended without pay for two weeks for his role in the erroneous sentences.

Former assistant attorney general Linda Willard testified that she notified state prison officials about the Supreme Court ruling. Willard said she believed Douglass was under pressure from her superiors to keep the state prison population from growing too large.

But Willard acknowledged under

questioning that she could have been more forceful in making sure that the ruling was followed.

Willard said she assumed that two Department of Correctional Services attorneys, George Green and Sharon Lindgren, would ensure that the agency complied. Green and Lindgren both retired last month under threat of being fired. A fourth department employee, Kathy Blum, was suspended for one day without pay.

Sen. Ernie Chambers of Omaha said lawmakers and Gov. Dave Heineman deserve blame as well for a lack of oversight. Chambers said mandatory minimums worsened the problem by creating confusion among prison employees, even though they're politically popular among senators who want to appear tough on crime.

Heineman and Attorney General Jon Bruning have requested a separate investigation into the prison sentencing, which could lead to criminal charges. Heineman has also said he will release the findings of a Lincoln law firm hired by the state to investigate what happened.



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billing software, which has made the process much smoother."

She added that selecting Stewart Elementary as the central location was a decision that was made by both the YBGCA and the Yankton School District.

"We had a discussion about the location and what the needs of both the school and the program were," Merhib said. "Last summer was the first time we had the summer program located at Stewart and it went very well. The district has just been very accommodating to our needs. Jerome (Klimisch) and his staff have been just great to work with."

Merhib stressed that the academy, though licensed through the state of South Dakota, is not a daycare.

"We are a youth enrichment program," she said. "We are here to help meet our three goals of building character and leadership, teaching our members healthy lifestyles and helping them achieve academic success."

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