

**Workers' Compensation Advisory Council  
Meeting Minutes  
August 27, 2007  
Kneip Building Conference Room #3  
Pierre, SD**

The Workers' Compensation Advisory Council (WCAC) met on Monday, August 27, 2007, at the Kneip Building Conference Room #3 in Pierre, South Dakota.

**Members Present**

Dennis Daugaard, Chair  
Pam Roberts  
Paul Kinsman  
Connie Halverson  
Randy Stainbrook  
Paul Aylward  
Carol Hinderaker  
Chris Lien

**Members Absent**

Guy Bender  
Jeff Haase  
Glenn Barber

**Others Present**

Cheryl Chamberlain  
Rodney Kirk  
Bob Mercer  
Bob O'Connell  
Randy Moses  
Mike Shaw  
Patsy Mehlhaff  
Lynn Job  
Phil DeGreff  
Dawn Dovre  
Mark Reichelt  
Jim Larson  
Larry Klaahsen  
Sue Simons  
Mark Anderson  
Dick Tieszen

Chairman Daugaard called the meeting to order and roll call was taken by Secretary Sarah Trebesch. Paul Alyward MOVED approval of the minutes from the July 31, 2007, meeting. Chris Lien SECONDED. MOTION CARRIED unanimously.

Chairman Daugaard reviewed the agenda with the WCAC members and advised there were three issues for the WCAC to review.

The first agenda item discussed was the terms of appointment and membership of the WCAC members and whether to hold meetings in various locations. Pam Roberts gave a brief overview of the how the members are appointed and when each member's term expires. The WCAC decided to hold the first meeting next year in Pierre and then discuss whether to move the location of further meetings.

The next agenda item discussed was Issue 2, payment pursuant to the fee schedule. Proposed legislation was drafted by the Department of Labor (DOL) and Randy Moses

with the Division of Insurance (DOI). James Marsh gave an overview of the proposal brought by DOL amending § 62-1-1.3. Mr. Moses gave an overview of the additional language proposed by DOI to amend § 62-1-1.3. Public testimony was heard. Carol Hinderaker MOVED the WCAC recommend Issue 2 with the changes suggested by DOI. Chairman Daugaard SECONDED. MOTION FAILED on a tie vote with 3 Yea (Hinderaker, Lien, Daugaard) and 3 Nay (Aylward, Stainbrook, Halverson).

The final agenda item discussed was Issue 4, willful misconduct. Proposed legislation was drafted by DOL to amend § 62-4-37. Mr. Marsh gave an overview of the proposal. Public testimony was heard. Paul Aylward MOVED to not recommend Issue 4. Randy Stainbrook SECONDED. MOTION FAILED on a roll call vote with 2 Yea (Aylward, Stainbrook) and 4 Nay (Hinderaker, Halverson, Lien, Daugaard). Chris Lien MOVED to recommend Issue 4. Carol Hinderaker SECONDED. MOTION PASSED with 4 Yea (Hinderaker, Halverson, Lien, Daugaard) and 2 Nay (Aylward, Stainbrook).

No other items were brought forth by the WCAC or through public testimony.

Chairman Daugaard declared the meeting ADJOURNED.