

**Workers' Compensation Advisory Council
Meeting Minutes
September 23, 2008
Kneip Building Conference Room #3
Pierre, SD**

The Workers' Compensation Advisory Council met on Tuesday, September 23, 2008, at the Kneip Building Conference Room #3 in Pierre, South Dakota.

Members Present

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

Members Absent

Others Present

James Marsh
Mary Weischedel
Brenda Whiting
Tyler McElhany
Bob O'Connell
Rob Senger
Phil DeGreff
Jessica Filler
Mike Shaw
Lynn Job
Mitch Richter
Deb Mortenson
Yvonne Taylor
Shawn Lyons
Larry Klauhsen (SF DDN)
Carol Pavel (RC DDN)
Doug Pavel (RC DDN)
Katie Pavel (RC DDN)
Fern Johnson (RC DDN)
Theresa Spry (RC DDN)

Chairman Daugaard called the meeting to order and roll call was taken by Secretary, Sarah Trebesch. Paul Aylward MOVED approval of the minutes from the August 21, 2008, meeting. Glenn Barber SECONDED. Motion Carried.

First on the agenda was Issue #1, required training for insurance representatives. The Department of Labor advised the council that the National Association of Insurance Commissioners have drafted a Model Act for adjuster licensure which will be considered for adoption this fall. Pam Roberts MOVED that the Council defer making a recommendation for mandatory training of insurance representatives until the National

Association of Insurance Commissioners take action on model legislation this fall. Glenn Barber SECONDED. Motion Carried.

The second agenda item discussed was Issue #2, reimbursement/compensation for nondependent family members. The Department gave a brief overview of how other states compensate/reimburse for attendance expenses for nondependents. Paul Aylward MOVED to recommend a new benefit be established to authorize a \$7,500.00 payment to the estate of a deceased employee when there are no dependents. Randy Stainbrook SECONDED. Motion Carried with 6 Yea (Aylward, Stainbrook, Bender, Halverson, Haase, Daugaard) and 3 Nay (Hinderaker, Lien, Barber).

The third agenda item discussed was Issue #4, Impairment Guides. Fern Johnson who first submitted this item advised the Council in writing that she would like to withdraw her proposal at this time.

A public hearing was held. Public testimony was given on Issue #6, presumption of coverage for firefighters contracting blood-borne diseases. Tyler McElhany a firefighter from Watertown, Rob Senger president of the Professional Firefighters of South Dakota and a lieutenant of Aberdeen Fire and Rescue, and Mitch Richter gave testimony as proponents for the issue. Mike Shaw, Attorney and lobbyist for the Property Casualty Insurers Association of America (PCI), Lynn Job with the SD State Bureau of Personnel and Yvonne Taylor with the SD Municipal League gave testimony as opponents of the issue. Paul Aylward MOVED to recommend legislation proposed by the Professional Firefighters. Randy Stainbrook SECONDED. Motion failed on a roll call vote with 5 Nay (Bender, Hinderaker, Halverson, Lien, Daugaard) and 4 Yea (Aylward, Stainbrook, Haase, Barber).

The next issue on the agenda was Issue #7, penalty for insurance company for noncompliance. The Department of Labor gave a brief overview of existing law regarding this issue and recommended no proposal at this time. Doug Pavel from Rapid City and Attorney Mike Shaw with PCI gave testimony as proponents of the DOL recommendation to take no action at this time. Jeff Haase MOVED that the Council defer making a recommendation on this issue at this time. Connie Halverson SECONDED. Motion Carried with 8 Yea, (Stainbrook, Bender, Hinderaker, Halverson, Haase, Lien, Barber, Daugaard) and 1 Nay (Aylward).

The Department of Labor gave additional information to the Council on Issue #8, monthly death benefit for dependent children. Paul Aylward MOVED to change the monthly benefit in 62-4-13 from \$50 to \$100. No SECOND was made. Motion failed.

The Council scheduled a telephonic conference call to vote on the final 2008 report for September 26, 2008, at 3:00 p.m. CDT.

Randy Stainbrook MOVED to adjourn. Carol Hindraker SECONDED. Motion Carried.