

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

780A0318

SENATE BILL NO. 127

Introduced by: Senators Rounds, Aker, Albers, Drake, Hainje, Hutmacher, Kleven, Morford-Burg, Reedy, Shoener, and Vitter and Representatives Brooks, Belatti, Davis, Duniphan, Fischer-Clemens, Hagg, Jorgensen, Koetzle, Madden, Monroe, Moore, Richter, and Schaunaman

1 FOR AN ACT ENTITLED, An Act to revise the eligibility for workers compensation to any
2 person providing voluntary services to a fire department, ambulance service, or rescue squad.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. That § 62-1-5 be amended to read as follows:
5 62-1-5. ~~Volunteer fire fighters of any fire department of~~ All persons providing voluntary
6 service to a fire department, ambulance service, or rescue squad for any county, municipality,
7 special purpose district, or township if regularly organized under the law shall be deemed
8 employees of such county, municipality, special purpose district, or township while in the
9 performance of their duties as members of such department, if duly recommended by the fire
10 ~~chief of such department~~ person in charge to the governing body of such county, municipality,
11 special purpose district, or township for membership ~~in such department, and duly~~ and appointed
12 ~~thereto~~ by such governing body, and has not ~~thereafter~~ duly been removed by such governing
13 body as members of such department, and for. For the purpose of computing compensation, ~~said~~
14 ~~fire fighters~~ the members shall be considered to be earning a wage that would entitle ~~them~~ the

1 members to the maximum compensation for death or injury allowable under this title. But in no
2 event ~~shall~~ may payments to ~~volunteer fire fighters~~ the members exceed the maximum limitations
3 for benefits as set out in this title.

4 For purposes of determining compensation, any remuneration received by a member who
5 voluntarily serves may not be considered.

6 Section 2. That § 62-1-5.2 be amended to read as follows:

7 62-1-5.2. Any firefighter who has completed the Division of Forestry wildland firefighter
8 training course and is a member of any county, municipal, special purpose district, or township
9 fire department which has on file a cooperative fire suppression agreement with the South
10 Dakota Department of Agriculture, Division of Forestry, and has been approved by the
11 governing body for assignment to the state, is eligible for workers' compensation benefits from
12 the state if injured during a period of time commencing from the time dispatched by the state
13 forester until the time ~~discharged~~ the firefighter returns to the location from which the firefighter
14 was originally dispatched by the state forester. In the event of injury or death, the firefighter
15 shall, for the purpose of computing compensation, be considered to be earning a wage that
16 would entitle that person to the maximum compensation for death or injury allowable under this
17 title; but in no event may payments to any firefighter exceed the maximum limitations for benefits
18 as set out in this title.

19 For purposes of determining compensation any remuneration received by a member who
20 voluntarily serves the department may not be considered.

21 No firefighter under this section may be deemed a state employee for any purpose other than
22 eligibility to receive workers' compensation from the state under this section.