

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

780A0318

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB127** - 3/6/97

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 and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 62-1-5 be amended to read as follows:

6 62-1-5. ~~Volunteer firefighters of any fire department of~~ All persons providing voluntary  
7 service to a fire department, ambulance service, or rescue squad for any county, municipality,  
8 special purpose district, or township if regularly organized under the law shall be deemed  
9 employees of such county, municipality, special purpose district, or township while in the  
10 performance of their duties as members ~~of such department,~~ if duly recommended by the ~~fire~~  
11 ~~chief of such department~~ person in charge to the governing body of such county, municipality,  
12 special purpose district, or township for membership ~~in such department, and duly~~ and appointed  
13 ~~thereto~~ by such governing body, and has not thereafter ~~duly~~ been removed by such governing  
14 body as members ~~of such department, and for.~~ For the purpose of computing compensation, ~~said~~

1 ~~firefighters~~ the members shall be considered to be earning a wage that would entitle ~~them~~ the  
2 members to the maximum compensation for death or injury allowable under this title. But in no  
3 event ~~shall~~ may payments to ~~volunteer firefighters~~ the members exceed the maximum limitations  
4 for benefits as set out in this title.

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

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

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

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

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

24 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,  
25 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and

1 effect from and after its passage and approval.

1 **BILL HISTORY**

2 1/24/97 First read in Senate and referred to State Affairs. S.J. 158

3 1/29/97 Scheduled for Committee hearing on this date.

4 1/29/97 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 0. S.J. 205

5 1/31/97 Senate Do Pass Amended, Passed, AYES 33, NAYS 0. S.J. 267

6 2/3/97 First read in House and referred to Judiciary. H.J. 279

7 2/21/97 Scheduled for Committee hearing on this date.

8 2/21/97 Judiciary Do Pass, Passed, AYES 12, NAYS 0. H.J. 626

9 2/21/97 Judiciary Place on Consent Calendar. H.J. 626

10 2/24/97 House of Representatives Do Pass, Passed, AYES 68, NAYS 1. H.J. 648

11 2/26/97 Signed by Speaker. H.J. 739

12 2/26/97 Signed by President. S.J. 674

13 2/28/97 Delivered to the Governor. S.J. 704

14 3/5/97 Vetoed by Governor. S.J. 798

15 3/5/97 Senate Vetoed for style and form Passed, AYES 33, NAYS 0. S.J. 800

16 3/6/97 House of Representatives Vetoed for style and form, AYES 65, NAYS 0.