

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

942H0623

## HOUSE BILL NO. 1257

Introduced by: Representatives Lintz, Fryslie, Hennies (Thomas), Klaudt, Koistinen, Madsen,  
and Teupel and Senators Vitter, Albers, Bogue, and Diedtrich (Elmer)

1 FOR AN ACT ENTITLED, An Act to revise the requirements for volunteer firefighters to  
2 become eligible for workers' compensation.

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

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

5 62-1-5.2. Any firefighter who ~~has completed the wildland firefighter training course and is~~  
6 a member of any county, municipal, special purpose district, or township fire department which  
7 has on file a cooperative fire suppression agreement with the South Dakota Department of  
8 Agriculture, and has been approved by the governing body for assignment to the state, is eligible  
9 for workers' compensation benefits from the state if injured during a period of time commencing  
10 from the time dispatched by the state forester until the time the firefighter returns to the location  
11 from which the firefighter was originally dispatched by the state forester. In the event of injury  
12 or death, the firefighter shall, for the purpose of computing compensation, be considered to be  
13 earning a wage that would entitle that person to the maximum compensation for death or injury  
14 allowable under this title; but in no event may payments to any firefighter exceed the maximum  
15 limitations for benefits as set out in this title.



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

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