

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

914E0585

SENATE ENGROSSED NO. **SB 125** - 02/06/2001

Introduced by: Senators Vitter, Albers, Apa, Koetzle, Moore, Olson (Ed), and Putnam and
Representatives Broderick, Abdallah, Flowers, Holbeck, and Solum

1 FOR AN ACT ENTITLED, An Act to clarify workers' compensation coverage for
2 uncompensated volunteers and prisoners.

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

4 Section 1. That § 62-1-5.1 be amended to read as follows:

5 62-1-5.1. ~~Volunteer workers~~ Any volunteer worker rendering services in or for any agency,
6 department, institution, or instrumentality of the state or of any of its political subdivisions,
7 including ~~but not limited to~~ counties, townships, school districts, or municipalities, whose
8 services have been duly recommended to the officer or governing body responsible for
9 employment of personnel for the respective entity and duly appointed thereto by such officers
10 or governing body, shall for purposes of this title be deemed ~~employees~~ an employee of the state
11 or the political subdivision, as the case may be. The ~~appointments~~ appointment shall be entered
12 into the official records or minutes of the entity.

13 In the event of injury or death for the purposes of computing compensation, ~~said a~~ a volunteer
14 uncompensated ~~workers shall be considered to be earning a wage that would entitle them to the~~
15 ~~maximum compensation for death or injury allowable under this title, but in~~ worker's employment

1 earnings from all sources during the last six months of employment shall be used. In the event
2 the volunteer uncompensated worker is not otherwise employed, the worker shall be considered
3 to be earning the state minimum wage over a forty-hour week. The worker's average weekly
4 wage shall be calculated by one of the methods in §§ 62-4-25 to 62-4-27, inclusive. In no event
5 shall may payments to volunteer uncompensated workers exceed the maximum limitations for
6 benefits as set out in this title. No local prisoner, state inmate, or federal inmate providing
7 services to the state or any of its political subdivisions may be considered a volunteer worker
8 under this section.