

State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

400L0325

HOUSE BILL NO. 1019

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to make firefighters from nonprofit corporate rural fire
2 departments eligible for state workers compensation when working for the Department of
3 Agriculture.

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

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

6 62-1-5.2. Any firefighter who is a member of any county, municipal, special purpose district,
7 ~~or township, or private nonprofit corporation operating as a fire department which~~ that has on
8 file a cooperative fire suppression agreement with the South Dakota Department of Agriculture,
9 and has been approved by the governing body for assignment to the state, is eligible for workers'
10 compensation benefits from the state if injured during a period of time commencing from the
11 time dispatched by the secretary of agriculture or ~~his~~ the secretary's designee until the time the
12 firefighter returns to the location from which the firefighter was originally dispatched by the
13 secretary of agriculture or ~~his~~ the secretary's designee. In the event of injury or death, the
14 firefighter shall, for the purpose of computing compensation, be considered to be earning a wage
15 that would entitle that person to the maximum compensation for death or injury allowable under



1 this title; but in no event may payments to any firefighter exceed the maximum limitations for
2 benefits as set out in this title.

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

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