

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

336M0588

SENATE COMMERCE COMMITTEE ENGROSSED NO.

HB 1113 - 02/09/2006

Introduced by: Representatives Deadrick and Rhoden and Senators Earley and Bogue

1 FOR AN ACT ENTITLED, An Act to exempt claims related to wildland fire operations outside
2 the state from certain workers' compensation provisions and to declare an emergency.

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



1 benefits as set out in this title.

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

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

6 No workers' compensation benefits may be provided by the state if the claim arises while
7 dispatched to a wildland fire outside the state, unless the fire is a threat to resources within
8 South Dakota.

9 Section 2. Whereas, this Act is necessary for the immediate preservation of the public peace,
10 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
11 effect from and after its passage and approval.