

## **Liability: Emergency Management Worker**

### **S.D. Codified Laws 34-48A-49**

When an emergency declaration is in effect, an emergency management worker who, in good faith, complies or attempts to comply with the rules and regulations in force will not be held legally responsible. They will not lose their entitlement to workers' compensation benefits solely by virtue of providing services as an emergency management worker.

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### **Emergency management as governmental function ? Liability exemption ? Worker's compensation and pension rights**

All functions under this chapter and all other activities relating to emergency management are governmental functions. Neither the state nor any political subdivision thereof, nor other agencies, nor, except in cases of willful misconduct, gross negligence, or bad faith, any emergency management worker complying with or reasonably attempting to comply with this chapter, or any order, rule promulgated pursuant to the provisions of this chapter, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of this state, is liable for the death of or injury to persons, or damage to property, as a result of such activity. The provisions of this section do not affect the right of any person to receive benefits to which he would otherwise be entitled under this chapter, or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.