

# *JOURNAL OF THE SENATE*

## *NINETY-SEVENTH SESSION*

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TWENTY-FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, February 16, 2022

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Matt Spoden, followed by the Pledge of Allegiance led by Senate pages Breanna Roth and Elle Westra.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the 23rd day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Lee A. Schoenbeck, Chair

Which motion prevailed.

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**REPORTS OF STANDING COMMITTEES**

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MR. PRESIDENT:

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The Committee on Senate State Affairs respectfully submits the following corrected report for the committee action of February 14, 2022:

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MR. PRESIDENT:

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The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 99, 123, and 124** which were deferred to the 41st Legislative Day.

7

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Also MR. PRESIDENT:

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The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 122 and 205** and returns the same with the recommendation that said bills do pass.

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Also MR. PRESIDENT:

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The Committee on Senate State Affairs respectfully reports that it has had under consideration **SB 197** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

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Respectfully submitted,  
Gary L. Cammack, Chair

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MR. PRESIDENT:

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The Committee on Senate Transportation respectfully reports that it has had under consideration **SB 191** which was deferred to the 41st Legislative Day.

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Respectfully submitted,  
Mary Duvall, Chair

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MR. PRESIDENT:

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The Senate Committee on Appropriations respectfully reports that it has had under consideration **SB 96, which was reconsidered** and returns the same with the recommendation that said bill be amended as follows:

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25

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96A

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On page 1, line 11, of the Introduced bill, after "4-8." insert "

28

Section 4. The administration of the design and construction of the project authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14."

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30

31

And that as so amended, said bill do pass.

1 Also MR. PRESIDENT:

2 The Senate Committee on Appropriations respectfully reports that it has had under  
3 consideration **SB 42, 43, 132, and 133** and returns the same with the recommendation that said  
4 bills do pass.

5 Respectfully submitted,  
6 Jean Hunhoff, Chair

7 MR. PRESIDENT:

8 The Committee on Senate Local Government respectfully reports that it has had under  
9 consideration **SB 90** and returns the same with the recommendation that said bill be amended as  
10 follows:

11 90C

12 On the Introduced bill, delete everything after the enacting clause and insert:

13 "

14 **Section 1. That § 11-10-5 be AMENDED:**

15 **11-10-5.** If the governing body of any local unit of government adopts any ordinance  
16 prescribing standards for ~~new construction~~ construction, alteration, movement, enlargement,  
17 replacement, repair, equipment, use and occupancy, location, removal, and demolition of any  
18 building other than a residential structure as defined in section 3 of this Act, the ordinance shall  
19 comply with the 2021 edition of the International Building Code as published by the International  
20 Code Council, Incorporated. The governing body may amend, modify, or delete any portion of the  
21 International Building Code before enacting such an ordinance. Additional deletions, modifications,  
22 and amendments to the municipal ordinance may be made by the governing body and are effective  
23 upon their adoption and filing with the municipal finance officer. Additional deletions, modifications,  
24 and amendments to the county ordinance may be made by the governing body, and are effective  
25 upon their adoption and filing with the county auditor. No ordinance may apply to mobile or  
26 manufactured homes as defined in chapter 32-7A that are constructed in compliance with the  
27 applicable prevailing standards of the United States Department of Housing and Urban Development  
28 at the time of construction. No ordinance may require that any fire sprinkler be installed in a single  
29 family dwelling. No ordinance may apply to any specialty resort or vacation home establishment as  
30 defined in chapter 34-18 that is constructed in compliance with the requirements of Group R-3 of  
31 the 2021 edition of the International Building Code.

32 **Section 2. That § 11-10-6 be AMENDED:**

33 **11-10-6.** The design standard for ~~any new construction~~ construction, alteration, movement,  
34 enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition  
35 of any building commenced after July 1, 2021, within the boundaries of any local unit of government  
36 that has not adopted an ordinance prescribing such standards ~~for new construction~~ pursuant to  
37 § 11-10-5 shall be based on the 2021 edition of the International Building Code as published by the  
38 International Code Council, Incorporated. Each local unit of government may adopt an ordinance  
39 allowing local administration and enforcement of the design standard. The provisions of this section  
40 do not apply to ~~new construction for any one or two family dwelling~~ any residential structure as  
41 defined in section 3 of this Act, mobile or manufactured home, ~~townhouse~~, or farmstead and any  
42 accessory structure or building thereto. For purposes of this section the term, farmstead, means a  
43 farm or ranch, including any structure or building located on the land. The provisions of this section  
44 do not apply to any mobile or manufactured home as defined in chapter 32-7A that is used for  
45 purposes other than residential that is constructed in compliance with the applicable prevailing  
46 standards of the United States Department of Housing and Urban Development at the time of  
47 construction if the structure complies with applicable accessibility standards for the occupancy  
48 intended. The provisions of this section do not apply to any specialty resort or vacation home

establishment as defined in chapter 34-18 that is constructed in compliance with the requirements of Group R-3 of the 2021 edition of the International Building Code.

**Section 3. That chapter 11-10 be amended with a NEW SECTION:**

The governing body of a municipality may enact requirements for construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of a residential structure by adopting the 2021 edition of the International Residential Code, as published by the International Code Council. Incorporated. The governing body may, at any time, amend any provision of the International Residential Code. The governing body may not require the installation of a sprinkler system in a residential structure or impose any requirements that are more stringent than the requirements in the 2021 edition of the International Residential Code. For purposes of this section, the term, residential structure, means a detached one-family or two-family dwelling, or multiple single-family dwellings not more than three stories in height with a separate means of egress and their accessory structures.

**Section 4. That chapter 11-10 be amended with a NEW SECTION:**

Beginning in the year 2024, and every three years thereafter, the Board of Technical Professions created under § 36-18A-14 shall convene a workgroup to review the latest edition of the model national codes referenced in this chapter. The workgroup shall consist of two local building code officials, one person engaged in the business of constructing multi-family housing, one person engaged in the business of constructing single-family housing, one person engaged in the business of constructing commercial buildings, one licensed architect, and one licensed professional engineer. The workgroup shall identify any significant revisions to the current edition of each model code and evaluate the impact of the revisions on quality, safety, and cost of construction in the state. The workgroup may recommend amendments to this chapter, including updates to the current edition of any model code referenced in this chapter and alternatives and exceptions to such codes. The workgroup shall report its findings and recommendations to the Board of Technical Professions within six months from date of the workgroup's first meeting, and the Board shall publish the report on its website. The workgroup shall dissolve and cease to exist upon the completion of its report to the Board."

And that as so amended, said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1286** and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Senate Local Government respectfully reports that it has had under consideration **HB 1275** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,  
Herman Otten, Chair

MR. PRESIDENT:

The Committee on Senate Judiciary respectfully reports that it has had under consideration **SB 169** and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
3 **SB 195** and returns the same with the recommendation that said bill be amended as follows:

4 195A

5 On page 2, line 1, of the Introduced bill, after "defendant." delete "An order of a court granting  
6 or denying a motion to dismiss, in accordance with this section, may be appealed to the Supreme  
7 Court. The appeal must be taken within ten days from the written notice of entry of the judgment  
8 or order."

9 And that as so amended, said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Senate Judiciary respectfully reports that it has had under consideration  
12 **SB 209** which was tabled.

13 Respectfully submitted,  
14 Arthur Rusch, Chair

15 MR. PRESIDENT:

16 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
17 **SB 126 and 198** and returns the same with the recommendation that said bills do pass.

18 Also MR. PRESIDENT:

19 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
20 **SB 142, 143, 144, and 187** and returns the same with the recommendation that said bills do pass,  
21 and having been certified as uncontested, be placed on the consent calendar.

22 Also MR. PRESIDENT:

23 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
24 **SB 178, 185, and 202** which were deferred to the 41st Legislative Day.

25 Also MR. PRESIDENT:

26 The Committee on Senate State Affairs respectfully reports that it has had under consideration  
27 **SB 212** and returns the same with the recommendation that said bill be amended as follows:

28 212A

29 On page 1, line 8, of the Introduced bill, after "permit." insert " The fee for issuing the permit  
30 is three dollars. The local authority shall collect the fee, and it must be deposited in the general fund  
31 of the county."

32 On page 1, line 13, of the Introduced bill, after "and" insert " shall pay a three dollar fee and"

33 On page 1, line 16, of the Introduced bill, after "§ 23-7-8.2." insert " The renewal fee shall be  
34 distributed as set forth in § 23-7-8. 2."

35 On page 2, line 2, of the Introduced bill, after "if" insert "A separate payment for the cost of  
36 processing the criminal background check and,"

37 On page 2, line 2, of the Introduced bill, delete "If" and insert " if"

1 On page 2, line 4, of the Introduced bill, after "dollars;" insert "

2 (4) A separate application fee of fifty dollars;"

3 On page 2, line 5, of the Introduced bill, delete "(4)" and insert "(5)"

4 On page 2, line 14, of the Introduced bill, after "permits." insert "Fifty dollars of the application  
5 fee must be retained by the sheriff."

6 On page 2, line 24, of the Introduced bill, after "shall:" delete "(1) "

7 On page 2, line 26, of the Introduced bill, after "check;

8 (3)" insert "(1) Pay a renewal fee in the amount of twenty-five dollars;

9 (2) Pay the fee for a criminal background check;

10 (3) "

11 On page 3, line 8, of the Introduced bill, after "permits." insert "Twenty-five dollars of the  
12 renewal fee must be retained by the sheriff."

13 On page 3, line 19, of the Introduced bill, after "check;" delete " and"

14 On page 3, line 20, of the Introduced bill, after "check;" insert ";

15 (3) A separate payment for the cost of processing the criminal background check; and

16 (4) A separate application fee of thirty dollars for the gold card permit to carry a concealed  
17 pistol."

18 On page 3, line 23, of the Introduced bill, after "pistol" delete the period

19 On page 3, line 26, of the Introduced bill, after "permits." insert "Thirty dollars of the  
20 application fee must be retained by the sheriff."

21 On page 4, line 3, of the Introduced bill, after "person" insert " shall:

22 (1) Pay a thirty dollar renewal fee; and"

23 On page 4, line 5, of the Introduced bill, after "and

24 (2) Pass" insert "(2) "

25 On page 4, line 5, of the Introduced bill, delete " must pass" and insert "Pass"

26 On page 4, line 9, of the Introduced bill, after "permits." insert "Thirty dollars of the renewal  
27 fee must be retained by the sheriff."

28 And that as so amended, said bill do pass.

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Respectfully submitted,  
Gary L. Cammack, Chair

1 MR. PRESIDENT:

2 The Committee on Senate Health and Human Services respectfully reports that it has had  
3 under consideration **SB 163** and returns the same with the recommendation that said bill be  
4 amended as follows:

5 163C

6 On page 2, line 29, of the Introduced bill, after "to " delete "covered "

7 On page 2, line 31, of the Introduced bill, after "of " delete "covered "

8 On page 3, line 9, of the Introduced bill, after "management" delete ". The term includes"

9 On page 3, line 9, of the Introduced bill, after "includesa " delete the colon

10 On page 3, line 10, of the Introduced bill, after ":" delete "(a) A person "

11 On page 3, line 10, of the Introduced bill, after "entity " delete "acting for a pharmacy "

12 On page 3, line 10, of the Introduced bill, after "benefits " delete "benefit manager, in a  
13 contractual or employment relationship, in the performance of pharmacy "

14 On page 3, line 12, of the Introduced bill, after "benefits " delete "benefit management for a "

15 On page 3, line 12, of the Introduced bill, after "includes " delete "mailthird- party payor; and

16 (b) A mail service pharmacy"

17 On page 3, line 14, of the Introduced bill, remove the overstrikes from the period

18 On page 3, line 15, of the Introduced bill, remove the overstrikes from "The term does not  
19 include a health carrier"

20 On page 3, line 15, of the Introduced bill, after "carrier" insert " that is"

21 On page 3, line 15, of the Introduced bill, remove the overstrikes from " licensed pursuant to  
22 Title 58"

23 On page 3, line 15, of the Introduced bill, delete "when the health carrier or its subsidiary is  
24 providing" and insert " and relies on its own employees to provide"

25 On page 3, line 15, of the Introduced bill, remove the overstrikes from "when the health carrier  
26 or its subsidiary is providing pharmacy benefits "

27 On page 3, line 16, of the Introduced bill, after "pharmacy " delete "benefits "

28 On page 3, line 16, of the Introduced bill, after "benefits " insert "benefit "

29 On page 3, line 16, of the Introduced bill, remove the overstrikes from "management to its  
30 own insureds; or a public self-funded pool or a private single employer self-funded plan that provides  
31 such benefits or services directly to its beneficiaries"

32 On page 3, line 16, of the Introduced bill, delete " to its own insureds; or a public self-funded  
33 pool or a private single employer self-funded plan that provides such benefits or services directly to  
34 its beneficiaries" and insert " services and does not rely on the services of an affiliate, subsidiary,  
35 or any unrelated entity that otherwise qualifies as a pharmacy benefit manager through the  
36 performance of pharmacy benefit management services"

1 On page 4, line 1, of the Introduced bill, after "provider;" delete "or"

2 On page 4, line 3, of the Introduced bill, after "2022;" insert " or

3 (d) A plan administered by South Dakota Medicaid;"

4 On page 4, line 19, of the Introduced bill, delete "pharmaceutical " and insert "pharmacy "

5 On page 4, line 21, of the Introduced bill, delete "pharmaceutical " and insert "pharmacy "

6 On page 7, line 3, of the Introduced bill, after "product." delete "Section 10. That chapter 58-  
7 29E be amended with a NEW SECTION:

8 "

9 On page 7, line 4, of the Introduced bill, after "SECTION:" delete "A pharmacy benefit manager  
10 shall pay a pharmacy a professional dispensing fee at a rate not less than that paid in accordance  
11 with the current South Dakota Medicaid pharmacy dispensing fee schedule, for each prescription  
12 pharmaceutical product that is dispensed to the patient, by the pharmacy, on a per-unit basis, based  
13 on the same generic product identifier or generic code number.

14 The dispensing fee must be in addition to any amount that the pharmacy benefit manager  
15 reimburses a pharmacy, consistent with this chapter, for the cost of the pharmaceutical product  
16 dispensed to the patient."

17 On page 12, line 8, of the Introduced bill, delete "11" and insert "10"

18 And that as so amended, said bill do pass.

19 Also MR. PRESIDENT:

20 The Committee on Senate Health and Human Services respectfully reports that it has had  
21 under consideration **SB 177** and returns the same with the recommendation that said bill be  
22 amended as follows:

23 177A

24 On page 3, line 34, of the Introduced bill, after "state" insert ", is an enrolled member of the  
25 tribe,"

26 On page 5, line 3, of the Introduced bill, delete "jurisdiction pursuant to subdivision 34-20G-  
27 1(19)" and insert " state, tribe, district, territory, commonwealth, insular possession of the United  
28 States, or country recognized by United States that allows the person to use cannabis for medical  
29 purposes in the jurisdiction of issuance"

30 On page 5, line 19, of the Introduced bill, after "SECTION:" delete "A tribe has a right to  
31 develop the tribe's cannabis programs under tribal law. The state does not have jurisdiction over  
32 cannabis cultivation, distribution, sale, or use within the territory of a tribe. A tribe regulates all  
33 cannabis activities within the territory of the tribe. A tribe is not required to be licensed in this state  
34 for the tribe's activities within the territory of the tribe."

35 On page 5, line 25, of the Introduced bill, delete "A " and insert "As provided in this Act, a "

36 On page 5, line 29, of the Introduced bill, after "tribe;" delete " and"

37 On page 5, line 31, of the Introduced bill, delete the period and insert "; and

38 (4) The state may not request, access, or audit the records of the tribes beyond what is  
39 required pursuant to this section."



1 177B

2 On the previously adopted amendment (177A), On page 6, line 7, after "section." delete "The  
3 state may request, access, or audit the records of the tribes beyond what is required pursuant to  
4 this section."

5 And that as so amended, returns said bill without recommendation.

6 Also MR. PRESIDENT:

7 The Committee on Senate Health and Human Services respectfully reports that it has had  
8 under consideration **HB 1097** and returns the same with the recommendation that said bill do pass,  
9 and having been certified as uncontested, be placed on the consent calendar.

10 Respectfully submitted,  
11 Wayne H. Steinhauer, Chair

12 MR. PRESIDENT:

13 The Committee on Senate Taxation respectfully reports that it has had under consideration  
14 **SB 25** and returns the same with the recommendation that said bill do pass.

15 Also MR. PRESIDENT:

16 The Committee on Senate Taxation respectfully reports that it has had under consideration  
17 **SB 114** and returns the same with the recommendation that said bill be referred to the Senate  
18 Committee on Appropriations with a Do Pass recommendation.

19 Also MR. PRESIDENT:

20 The Committee on Senate Taxation respectfully reports that it has had under consideration  
21 **SB 166 and 206** which were deferred to the 41st Legislative Day.

22 Respectfully submitted,  
23 Timothy R. Johns, Chair

24 **MESSAGES FROM THE HOUSE**

25 MR. PRESIDENT:

26 I have the honor to transmit herewith **HB 1012, 1053, 1087, 1163, 1176, 1206, 1229,**  
27 **1284, and 1337** which have passed the House and your favorable consideration is respectfully  
28 requested.

29 Respectfully,  
30 Patricia Miller, Chief Clerk

31 **MOTIONS AND RESOLUTIONS**

32 Sen. Crabtree moved that the Senate do concur in House amendments to **SB 40**.

33 The question being on Sen. Crabtree's motion that the Senate do concur in House amendments  
34 to **SB 40**.

1 And the roll being called:

2 Yeas 35, Nays 0, Excused 0, Absent 0

3 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
4 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,  
5 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,  
6 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

7 So the motion having received an affirmative vote of a majority of the members-elect, the  
8 President declared the motion carried and the amendments were concurred in.

9 Sen. Cammack moved that **SCR 602** be deferred to Thursday, February 17, 2022, the 25<sup>th</sup>  
10 legislative day.

11 Which motion prevailed.

12 **SCR 605: A CONCURRENT RESOLUTION**, Celebrating the South Dakota Division of the Izaak  
13 Walton League of America for its ideals and accomplishments during one hundred years of  
14 conservation leadership.

15 Was read the second time.

16 Sen. V. J. Smith moved that **SCR 605** as found on page 253 of the Senate Journal be adopted.

17 The question being on Sen. V. J. Smith's motion that **SCR 605** be adopted.

18 And the roll being called:

19 Yeas 35, Nays 0, Excused 0, Absent 0

20 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
21 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,  
22 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,  
23 Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

24 So the motion having received an affirmative vote of a majority of the members-elect, the  
25 President declared the motion carried and **SCR 605** was adopted.

26 Sen. Cammack moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on  
27 Thursday, February 17, 2022, the 25<sup>th</sup> legislative day.

28 Which motion prevailed.

29 **CONSIDERATION OF REPORTS OF COMMITTEES**

30 Sen. Cammack moved that the reports of the Standing Committees on

31 Education on **SB 167** as found on page 250 of the Senate Journal; and

32 Judiciary on **SB 159, 172, and 199** as found on page 251 of the Senate Journal be adopted.

33 Which motion prevailed and the reports were adopted.

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**CONSIDERATION OF EXECUTIVE APPOINTMENTS**

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The Senate proceeded to the consideration of the executive reappointment of Jonathan E. Locken of Brown County, Bath, South Dakota, to the Game, Fish and Parks Commission.

The question being "Does the Senate advise and consent to the executive reappointment of Jonathan E. Locken pursuant to the executive message as found on page 218 of the Senate Journal?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

The Senate proceeded to the consideration of the executive reappointment of Stephanie Rissler of Clay County, Vermillion, South Dakota, to the Game, Fish and Parks Commission.

The question being "Does the Senate advise and consent to the executive reappointment of Stephanie Rissler pursuant to the executive message as found on page 218 of the Senate Journal?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

**FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

**HB 1229:** FOR AN ACT ENTITLED, An Act to authorize the formation of corporations and limited liability companies by physical therapists, occupational therapists, and speech-language pathologists.

Was read the first time and referred to the Committee on Commerce and Energy.

**HB 1012:** FOR AN ACT ENTITLED, An Act to protect students and employees at institutions of higher education from divisive concepts.

**HB 1163:** FOR AN ACT ENTITLED, An Act to provide for the use of screening instruments in determining kindergarten readiness.

**HB 1337:** FOR AN ACT ENTITLED, An Act to protect elementary and secondary students from political indoctrination.

Were read the first time and referred to the Committee on Education.

**HB 1176:** FOR AN ACT ENTITLED, An Act to grant immunity from certain liabilities for camping activities.

Was read the first time and referred to the Committee on Judiciary.

**HB 1087:** FOR AN ACT ENTITLED, An Act to revise certain provisions regarding records that are not open to inspection and copying and deliberations in an executive or closed meeting.

Was read the first time and referred to the Committee on Local Government.

**HB 1206:** FOR AN ACT ENTITLED, An Act to establish fees for information provided from the statewide voter registration file.

Was read the first time and referred to the Committee on State Affairs.

**HB 1053:** FOR AN ACT ENTITLED, An Act to authorize counties to issue bonds for certain expenditures funded by a gross receipts tax.

**HB 1284:** FOR AN ACT ENTITLED, An Act to increase household income thresholds for a paraplegic tax reduction.

Were read the first time and referred to the Committee on Taxation.

### CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS

The Senate proceeded to the consideration of the executive reappointment of Ani Aprahamian of St. Joseph County, Notre Dame, Indiana, to the South Dakota Science and Technology Authority.

The question being "Does the Senate advise and consent to the executive reappointment of Ani Aprahamian pursuant to the executive message as found on page 146 of the Senate Journal?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall, Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer, Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

So the question having received an affirmative vote of a majority of the members-elect, the President declared the reappointment confirmed.

### SECOND READING OF CONSENT CALENDAR ITEMS

**SB 188:** FOR AN ACT ENTITLED, An Act to allow for unlicensed businesses to store alcoholic beverages.

Was read the second time.

The question being "Shall **SB 188** pass as amended?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
4 Foster, Frye-Mueller, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck,  
5 Maher, Nesiba, Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer,  
6 Steinhauer, Sutton, Symens, Tobin, Wheeler, and Wiik

7 Excused: Zikmund

8 So the bill having received an affirmative vote of a majority of the members-elect, the President  
9 declared the bill passed and the title was agreed to.

10 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

11 **SB 134:** FOR AN ACT ENTITLED, An Act to revise provisions related to physician assistants.

12 Was read the second time.

13 Sen. Tobin moved that **SB 134** be amended as follows:

14 134A

15 On page 1, line 15, of the Introduced bill, delete " has" and insert " does"

16 On page 1, line 15, of the Introduced bill, delete " met the required one thousand forty" and  
17 insert " have two thousand eighty"

18 On page 1, line 15, of the Introduced bill, delete " in § 36-4A-8 " and insert

19 On page 1, line 16, of the Introduced bill, delete ", or" and insert a semicolon

20 On page 1, line 17, of the Introduced bill, delete " four" and insert " ten"

21 On page 1, line 17, of the Introduced bill, after "hours" insert " in that specialty; or as otherwise  
22 provided by this section"

23 On page 2, line 2, of the Introduced bill, after "request." insert "

24 Upon completion of two thousand eighty practice hours, a physician assistant may practice in  
25 the primary care areas of family medicine, general internal medicine, general pediatrics, geriatrics,  
26 and acute care without a collaborative agreement.

27 Upon completion of two thousand eighty practice hours, a physician assistant may work in a  
28 rural health emergency department without a collaborative agreement.

29 A physician assistant, practicing in an area outside the primary care areas of family medicine,  
30 general internal medicine, general pediatrics, geriatrics, obstetrics and gynecology, and acute care,  
31 must enter into a collaborative agreement with the physician assistant's employing health care  
32 facility, rather than with a physician or another physician assistant, for so long as the physician  
33 assistant is working in those practice areas. The degree of collaboration found within the  
34 collaborative agreement with the employing health care facility must be determined at the practice  
35 level by the employing health care facility, group, hospital service, and the credentialing and  
36 privileging systems of the employing health care facility. The collaborative agreement must be kept  
37 on file at the practice site and be provided to the board upon request. "

- 1 On page 2, line 25, of the Introduced bill, delete " a" and insert " the"
- 2 On page 2, line 25, of the Introduced bill, delete " of one thousand forty" and insert " number  
3 of"
- 4 On page 2, line 25, of the Introduced bill, after "hours " insert "required by § 36-4A-1. 1 "
- 5 On page 4, line 10, of the Introduced bill, delete " and" and insert a comma
- 6 On page 4, line 10, of the Introduced bill, after "referral" insert ", and continuing care"
- 7 On page 4, line 29, of the Introduced bill, after "appropriate." insert " A physician assistant  
8 may not engage in independent surgical services."
- 9 On page 5, line 27, of the Introduced bill, delete " four" and insert " ten"
- 10 On page 6, line 31, of the Introduced bill, after "medical" delete " or surgical"
- 11 On page 7, line 5, of the Introduced bill, after "assistant" insert " with at least two thousand  
12 eighty practice hours"
- 13 On page 7, line 6, of the Introduced bill, delete " one thousand forty" and insert " two thousand  
14 eighty"
- 15 On page 7, line 7, of the Introduced bill, delete " one thousand forty" and insert " two thousand  
16 eighty practice"
- 17 On page 7, line 8, of the Introduced bill, delete " four" and insert " ten"
- 18 On page 7, line 12, of the Introduced bill, after "practice," insert " a charitable organization,"
- 19 On page 7, line 13, of the Introduced bill, after "chapter" insert " or approved by the board"
- 20 On page 7, line 13, of the Introduced bill, after "chapter." insert " The physician assistant shall  
21 comply with all privileging and credentialing systems at the facility at which the physician assistant  
22 practices."

23 Sen. Rohl requested that JR 5-17 be invoked on **SB 134**.

24 Which request was supported and **SB 134** with Sen. Tobin's pending motion to amend was  
25 deferred until Tuesday, February 22, 2022, the 26<sup>th</sup> legislative day.

26 **SB 148**: FOR AN ACT ENTITLED, An Act to revise annuity sales standards.

27 Was read the second time.

28 The question being "Shall **SB 148** pass as amended?"

29 And the roll being called:

30 Yeas 34, Nays 0, Excused 1, Absent 0

31 Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
32 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
33 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
34 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

1           Excused: Frye-Mueller

2           So the bill having received an affirmative vote of a majority of the members-elect, the President  
3 declared the bill passed and the title was agreed to.

4                           **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

5           **HB 1061:** FOR AN ACT ENTITLED, An Act to codify an advisory council for the appraiser  
6 certification program.

7           Was read the second time.

8           The question being "Shall **HB 1061** pass as amended?"

9           And the roll being called:

10          Yeas 13, Nays 22, Excused 0, Absent 0

11          Yeas: Foster, Frye-Mueller, Heinert, Johns, Maher, Nesiba, Herman Otten, Rohl, Schoenfish, V.  
12 J. Smith, Steinhauer, Tobin, and Wheeler

13          Nays: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
14 Brock Greenfield, Hunhoff, David Johnson, Klumb, Kolbeck, Novstrup, Rusch, Schoenbeck, Stalzer,  
15 Sutton, Symens, Wiik, and Zikmund

16          So the bill not having received an affirmative vote of a majority of the members-elect, the  
17 President declared the bill lost.

18          **HB 1185:** FOR AN ACT ENTITLED, An Act to permit the wearing of a beaded graduation cap  
19 at a school honoring or graduation ceremony.

20          Was read the second time.

21          The question being "Shall **HB 1185** pass as amended?"

22          And the roll being called:

23          Yeas 34, Nays 0, Excused 1, Absent 0

24          Yeas: Bolin, Breitling, Cammack, Castleberry, Crabtree, Curd, Diedrich, Duhamel, Duvall,  
25 Foster, Brock Greenfield, Heinert, Hunhoff, Johns, David Johnson, Klumb, Kolbeck, Maher, Nesiba,  
26 Novstrup, Herman Otten, Rohl, Rusch, Schoenbeck, Schoenfish, V. J. Smith, Stalzer, Steinhauer,  
27 Sutton, Symens, Tobin, Wheeler, Wiik, and Zikmund

28          Excused: Frye-Mueller

29          So the bill having received an affirmative vote of a majority of the members-elect, the President  
30 declared the bill passed and the title was agreed to.

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**SIGNING OF BILLS**

2

The President publicly read the title to

3

4

**HB 1080:** FOR AN ACT ENTITLED, An Act to prolong requirements for increasing teacher compensation.

5

And signed the same in the presence of the Senate.

6

7

Sen. Zikmund moved that the Senate do now adjourn, which motion prevailed and at 3:15 p.m. the Senate adjourned.

8

Kay Johnson, Secretary