

Committee: House Commerce and Energy

Friday, February 03, 2023 10:00 AM

Roll Call

Present: Rep. Arlint, Rep. Bahmuller, Rep. Callies, Rep. Donnell, Rep. Duffy, Rep. Krohmer, Rep. Mulally, Rep. Nelson, Rep. Pinnow, Rep. Schneider, Rep. Shorma, Rep. Perry, and Rep. Weisgram

OTHERS PRESENT: See Original Minutes

**The meeting was called to order by**

**MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 01<sup>ST</sup>**

Moved by: Krohmer  
Second by: Arlint  
Action: Prevailed by roll call vote (11-1-1-0)

Voting Yes: Arlint, Bahmuller, Callies, Donnell, Duffy, Krohmer, Pinnow, Schneider, Shorma, Perry, and Weisgram

Voting No: Nelson

Excused: Mulally

**MOTION: Motion to move HB 1176 to House Local Government Committee**

Moved by: Callies  
Action: Died for lack of a second

**HB 1185 : prohibit certain restrictions in employment contracts.**

Presented by: Representative Fred Deutsch  
Proponents: Tim Dougherty, Avera Health, Sioux Falls  
Rachel Oglesby, Governor's Office  
Opponents: Doug Abraham, South Dakota Association of Specialty Care Providers, Rapid City

**MOTION: AMEND HB 1185**

1185D

On page 2, line 3, of the Introduced bill, delete "2 " and insert "3 "  
On page 2, line 13, of the Introduced bill, delete "physician " and insert "physical "  
On page 3, line 2, of the Introduced bill, delete "patients or clients" and insert " any patient or client"  
On page 3, line 3, of the Introduced bill, delete "the patients or clients to obtain services from another person" and insert " the patient or client to transfer the patient or client's care or business to the practitioner or to the practitioner's new employer, partner, or professional relationship"

Moved by: Nelson  
Second by: Schneider  
Action: Prevailed by voice vote

**MOTION: AMEND THE PENDING AMENDMENT**

1185A

On amendment (1185D),  
On page 2, line 3, delete "practitioner " and insert "professional "  
On page 2, line 12, after "§ 36-9-4;" insert "  
(8) An emergency medical technician-intermediate/85 licensed in accordance with chapter 36-4B;  
(9) An emergency medical technician-intermediate/99 licensed in accordance with chapter 36-4B;  
(10) An advanced emergency medical technician licensed in accordance with chapter 36-4B;  
(11) A paramedic licensed in accordance with chapter 36-4B;"  
On page 2, line 13, delete "(8)" and insert "(12)"  
On page 2, line 13, after "36-4C;" insert "  
(13) A chiropractor licensed in accordance with chapter 36-5;  
(14) A dentist licensed in accordance with chapter 36-6A;  
(15) A dental hygienist licensed in accordance with chapter 36-6A;  
(16) An optometrist licensed in accordance with chapter 36-7;  
(17) A podiatrist licensed in accordance with chapter 36-8;  
(18) A certified professional midwife licensed in accordance with chapter 36-9C;"  
On page 2, line 14, delete "(9)" and insert "(19)"  
On page 2, line 14, after "36-10;" insert "  
(20) A dietitian licensed in accordance with chapter 36-10B;  
(21) A nutritionist licensed in accordance with chapter 36-10B;  
(22) A pharmacist licensed in accordance with chapter 36-11;  
(23) A representative of a licensed drug distributor licensed in accordance with chapter 36-11A;  
(24) An audiologist licensed in accordance with chapter 36-24;  
(25) A hearing aid dispenser licensed in accordance with chapter 36-24;"  
On page 2, line 15, delete "(10)" and insert "(26)"  
On page 2, line 16, delete "(11)" and insert "(27)"  
On page 2, line 16, after "36-27A;" insert "  
(28) A nursing facility administrator licensed in accordance with chapter 36-28;"  
On page 2, line 17, delete "(12)" and insert "(29)"  
On page 2, line 18, delete "(13)" and insert "(30)"  
On page 2, line 19, delete "(14)" and insert "(31)"  
On page 2, line 20, delete "(15)" and insert "(32)"  
On page 2, line 21, delete "(16)" and insert "(33)"  
On page 2, line 22, delete "(17)" and insert "(34)"  
On page 2, line 23, delete "and" and insert "  
(35) A massage therapist licensed in accordance with chapter 36-35;  
(36) A genetic counselor licensed in accordance with chapter 36-36;"  
On page 2, line 24, delete "(18)" and insert "(37)"  
On page 2, line 24, after "36-37" insert "; and  
(38) A behavior analyst licensed in accordance with chapter 36-38"  
On page 2, line 27, delete "practitioner" and insert "health care professional"  
On page 2, line 28, delete "practice" and insert "the profession"  
On page 2, line 29, delete "practitioner's" and insert "health care professional's"  
On page 2, line 33, delete "practitioner" and insert "health care professional"  
On page 3, line 5, delete "practitioner's" and insert "health care professional's"  
On page 3, line 8, delete "practitioner" and insert "health care professional"  
On page 3, line 9, delete "practitioner's" and insert "health care professional's"

Moved by: Nelson  
Second by: Shorma  
Action: Failed by roll call vote (3-10-0-0)

Voting Yes: Callies, Nelson, and Shorma

Voting No: Arlint, Bahmuller, Donnell, Duffy, Krohmer, Mulally, Pinnow, Schneider, Perry, and Weisgram

**MOTION: DO PASS HB 1185 AS AMENDED**

Moved by: Krohmer  
Second by: Arlint  
Action: Prevailed by Majority Members Elect (11-2-0-0)

Voting Yes: Arlint, Bahmuller, Callies, Krohmer, Mulally, Nelson, Pinnow, Schneider, Shorma, Perry, and Weisgram

Voting No: Donnell and Duffy

**MOTION: DEFER HB 1176**

**HB 1181 : modify the annual minimum wage adjustment.**

Presented by: Representative Carl E. Perry

**MOTION: AMEND HB 1181**

1181A

On page 1, line 15, of the Introduced bill, after "cents. " delete "In no case shall the minimum wage be decreased. "

Moved by: Krohmer  
Second by: Donnell  
Action: Prevailed by voice vote

**MOTION: DEFER HB 1181 TO THE 41<sup>ST</sup> LEGISLATIVE DAY**

Moved by: Schneider  
Second by: Pinnow  
Action: Prevailed by Majority Members Elect (9-4-0-0)

Voting Yes: Arlint, Bahmuller, Callies, Donnell, Duffy, Nelson, Pinnow, Schneider, and Weisgram

Voting No: Krohmer, Mulally, Shorma, and Perry

**MOTION: ADJOURN**

Moved by: Callies  
Second by: Shorma  
Action: Prevailed by voice vote

Jean Denton, Committee Secretary

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/s/ MIKE WEISGRAM  
Mike Weisgram, Chair