

# AGC 's 2024 Legislative Session **FINAL REPORT**



**AGC**  
SOUTH DAKOTA  
THE CONSTRUCTION ASSOCIATION

## on Construction Related Legislation

AGC once again had our full-time lobbyist in Pierre during the 2024 Legislative Session, who read each of the 510 bills and resolutions introduced and sent an analysis of bills of interest to the AGC Government Affairs Committee. The dedicated committee members read the bills of interest, asked questions, and provided input on what stance AGC should take on each bill. In addition, every Tuesday this team further discussed bills of interest during a weekly legislative ZOOM call. And for the first time ever, both AGC chapters participated in the same weekly legislative call. With this team in action, AGC's interests were well represented throughout the 2024 Legislative Session! **The Final Legislative Report is written by AGC Lobbyist, Deb Mortenson and presented by category:**

### EMPLOYMENT:

**Senate Bill 12:** Will allow employers to issue adverse employment action (firing, suspension etc.) based on a positive test result for cannabis metabolites if the person is employed in a safety-sensitive job. This was an AGC and ABC bill and builds on previous legislation that allows employers to designate any job as safety sensitive. SB 12 was signed by the Governor and becomes law July 1st.

**Senate Bill 181:** Asked that employees receiving unemployment benefits must make five job search attempts per week. Normally AGC members are exempt from work search requirements as they have a set call back date. This bill was murky enough that it may have required employees with a call back to look for five jobs per week. AGC voiced its opposition to the bill, as did the Department of Labor. The bill was withdrawn by its sponsor.

**SCR 501:** As with all public assistance programs, legislators and the Governor's administration wants able-bodied Medicaid recipients to work. SCR 501 would ask voters to require able bodied recipients of the expanded Medicaid program be employed. AGC supported this resolution, which passed both chambers and has been delivered to the Secretary of State, which is final resolution for SCR 501. Voters will decide this question on the November 2024 ballot.

### MINING:

**Senate Bill 111:** After 30 years of no increases, the Department of Ag and Natural Resources sought an increase in the amount of mining reclamation surety bonds to cover the cost of mine sites that are not reclaimed if an operator goes out of business. AGC was concerned with the proposed increase and countered with lower bond amount/expanded implementation date for statewide bonds. The proposal was accepted and amended into the bill. AGC supported the amended bill. Per acre bond holders were able to amend the bill on the House floor to give them a longer implementation time, but no lower bond cost. SB 111 was signed by the Governor.

## GOOD FOR BUSINESS:

**Senate Bill 144:** Sought \$90 million from general fund for grants to fund airport terminal work in SD. In its final form, airport funding will get a one-time boost of \$10 million. AGC supported the bill, which was signed by the Governor.

**Senate Bill 208:** Several bills were introduced to reduce or remove the employer contribution that feeds the Future Fund. None passed but legislators agreed on SB 208, which requires a biannual report to the legislature on how funds were allocated. There was a lot of concern about how governors can spend the Future Fund, which is funded by a surcharge on employers' unemployment insurance premiums. Created during the Mickelson administration, the Future Fund is supposed to be used for economic development projects. SB 208 was signed by the Governor and will become law July 1st.

**Senate Bill 211:** Allowed for electronic notarization of documents filed with register of deeds. AGC supported as this is a natural extension of electronic bid software. SB 211 was signed by the Governor and will become law July 1st.

**SCR 507:** Would have constitutionally protected proceeds from aviation fuel tax and sales tax in aircraft for use on airport construction and maintenance. Clever idea as the aviation fund was swept by appropriations several years ago. The bill was tabled by its sponsor.

## BAD FOR BUSINESS:

**House Bill 1212:** Required certain vehicles to be equipped with mud flaps. AGC opposed this bill as most members report that their vehicles are equipped with mud flaps. AGC was also concerned that members could be out of compliance and fined if a flap is lost during the course of a day. The bill also would have opened a door to charging/fining motorists for other violations if they were cited for no mud flaps. HB 1212 passed the House and was killed in Senate Transportation. AGC lead the opposition to HB 1212.

**Senate Bill 145:** Sought to increase the time required for first notification of work-related injuries from three days to fifteen days. AGC opposed this bill as it would allow more time for fraud and provide a lag in treatment for injured workers. The bill was defeated in Senate Commerce.

## MOTOR VEHICLES/DRIVING:

**House Bill 1078:** Would have allowed compliance with seat belt laws to be considered in determining damages for injuries. May have resulted in a mixed benefit to members, depending on who caused the accident. AGC monitored this bill. The bill was withdrawn by its sponsor.

**House Bill 1107:** Would have made texting while driving a primary offence and increased penalties for conviction. AGC monitored this bill, it was defeated in House Transportation.

## PIPELINES:

Carbon dioxide pipelines took up a lot of time during the 2024 Legislative Session. AGC always monitors this topic since it is construction-related and often involves discussions about eminent domain. This year we started a separate bill tracker to chart the pipeline-related bills. Of all the bills introduced, three passed the legislature: **Senate Bill 201**, **House Bill 1185** and **House Bill 1186**.

## PIPELINES CONT:

**Senate Bill 201:** The final bill allows counties to determine pipeline setbacks, etc. as long as they don't supersede state Public Utilities regulations. Late additions to the bill include a requirement that carbon dioxide pipelines be dug a foot deeper than federal regulations require, repair drain tile damage for the lifetime of the pipeline, assume pipeline leak liability protection and indemnify landowners from any damage caused by the pipeline. Counties would also be able to collect a tax on pipelines running through their jurisdictions at least half of which would be used to offset impacted landowners' property tax bills. SB 201 was signed by the Governor.

**House Bill 1185:** Outlines the process a pipeline company must use to gain landowner permission to access their land for surveys, etc. Directs pipeline companies to pay landowner \$500 for access. HB 1185 was signed by the Governor.

**Hose Bill 1186:** Changes the term of a pipeline easement from 50 years to 90 years, with the caveat that if the pipeline company does not initiate the construction process, the easement expires in five years. HB 1186 was signed by the Governor.

## ANNUAL LEGISLATIVE LUNCH:

AGC again hosted legislators at a luncheon in the Capitol Rotunda. It was a nice break for legislators between committee work, caucus and floor votes. Over 175 lunches were served and many legislators sent their thanks to AGC. Plan to join us on February 12, 2025, in the Rotunda!



## AGC'S GOVERNMENT AFFAIRS IS YEAR ROUND:

Just because the 2024 session is over does not mean that our government affairs efforts stop. AGC spends the off-season networking with legislators, administration officials and other groups to keep the need for highway funding top of mind. AGC also monitors any summer studies selected by the Legislature's Executive Board. When those topics are chosen in a few weeks we will share details of any studies of interest to contractors.

### CONPAC Plans 2024 Actions

The Contractors Political Action Committee (CONPAC) is one of the more active PACs in South Dakota. Each election cycle, CONPAC provides campaign contributions to legislative and statewide candidates who support the construction industry. CONPAC will again be active in the 2024 election cycle since all 105 legislative seats are up for election. Are you interested in shaping the legislature to be business and construction industry friendly? Then you need to join CONPAC, email [info@sdagc.org](mailto:info@sdagc.org)!



### AGC of America Political Action Committee



AGC PAC is the non-partisan, federal political action committee of the AGC of America. Its mission is to build a better Congress for AGC members. AGC PAC works to accomplish this through electing candidates for federal office who support the national legislative priorities of AGC. Through its efforts, AGC PAC encourages the political engagement of all AGC contractors to help shape a construction-friendly, federal legislative and regulatory environment. Your contribution to the AGC PAC will ensure our message to Congress to Make Transportation Job #1 and invest in our communities. For information on contributing to AGC PAC, log onto [www.agc.org/PAC](http://www.agc.org/PAC) or e-mail David Ashinoff at [ashinoff@agc.org](mailto:ashinoff@agc.org) or call 202-547-3350.

**AGC of SD**

PO Box 1742

Sioux Falls, SD 57101-1742

Address Service Requested



**SOUTH DAKOTA**

AGC of South Dakota **UPCOMING**  
**SUMMER EVENTS 2024**

**SAVE THE DATES**

**JUNE 20 & 21 - PIERRE**

**SUMMER FISHING TOURNAMENT**

**JULY 15 - SIOUX FALLS**

**SUMMER SOCIAL @ GREAT SHOTS**

**JULY 16 - SIOUX FALLS**

**AGC GOLF TOURNAMENT @ ELMWOOD**

**AUGUST 8 - RAPID CITY**

**SUMMER SOCIAL @ MURPHY'S**

**AUGUST 9 - RAPID CITY**

**GOLF TOURNAMENT @ RED ROCK**

**SEPTEMBER 27 - HUMBOLDT**

**SPORTING CLAYS @ HUNTER POINTE**