

H-H-U HAPPENINGS



AGC SOUTH DAKOTA
HIGHWAY-HEAVY-UTILITIES CHAPTER
THE CONSTRUCTION ASSOCIATION

FALL 2022

Mission Statement: "The AGC of South Dakota and its members promote skill, responsibility and integrity through construction and services which enhance the quality of life for all who live, work or travel in South Dakota."

GET READY FOR THE 2023 ...

State Convention!

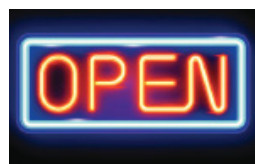
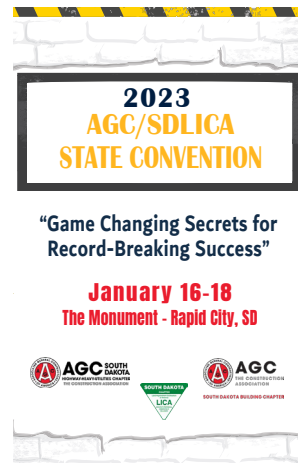
January 16 – 18, 2023 / The Monument - Holiday Inn in Rapid City, SD

The Annual State Convention is just around the corner, and the planning committee has been working diligently to bring you another great event! The line-up of speakers this year is outstanding and they each offer a little bit of something for everyone. Key-note speakers include Alex Weber, Kaylene McCabe, Tyler Enslin and AGC of America President Dan Fordice!

Key-note speaker topics include; Unstoppable Leadership, Hammers to Hollywood and Mastering Your Memory. In addition, there will be several educational break-out sessions and a Safety/HR Winter Speaker Summit on Wednesday - see the enclosed insert for more details!

Monday evening activities include the Annual Awards Banquet followed by a "Night Out" event hosted by the Rapid City Chapter of the AGC Young Constructors at The Park in Rapid City. The Installation of Officers Banquet will be held Tuesday evening, followed by a table trivia challenge for prizes.

Sponsors and Exhibitors will be accepted until December 4th. Registration is NOW OPEN and a block of sleeping rooms is available by calling the Holiday Inn Downtown at 844-516-6415 and reference the "AGC" group code. We hope to see you January 16-18 at the Annual State Convention!



ON THE INSIDE

State Convention Exhibitor & Sponsor Forms, 2023 Advertising Opportunities, Safety/HR Winter Speaker Summit Flyer

LEADERSHIP 2022

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FROM THE PRESIDENT:

Hello Fellow AGC Members,

As usual, this time of year is flying right along. We have been able to take advantage of great weather so far, but know Winter is coming. We do have a few things to look

forward to this Winter such as the State Convention, a chance to lobby our cause in Pierre, and prepping for a busy 2023 Construction season.



RC Scull

The annual AGC/SDDOT Fall Meeting will be held November 30th and December 1st, at the AmericInn, Fort Pierre. Some of the topics include, Federal and State transportation funding update, new Federal Buy America requirements for Construction, prevailing wage discussion, and continuous improvement and innovation discussions. Please make plans to attend and join in on these important topics. It is vital to our association.

Also coming up is our annual State Convention! This year it will be held January 16-18, at the Monument in Rapid City. As always, this event will be packed with information, educational opportunities, and a lot of fun. Exhibitors and Sponsors are encouraged to make reservations as it is a first come first serve opportunity for booth space. The event program and member registration will be mailed out to you around Thanksgiving. Please make plans to attend this fun event!

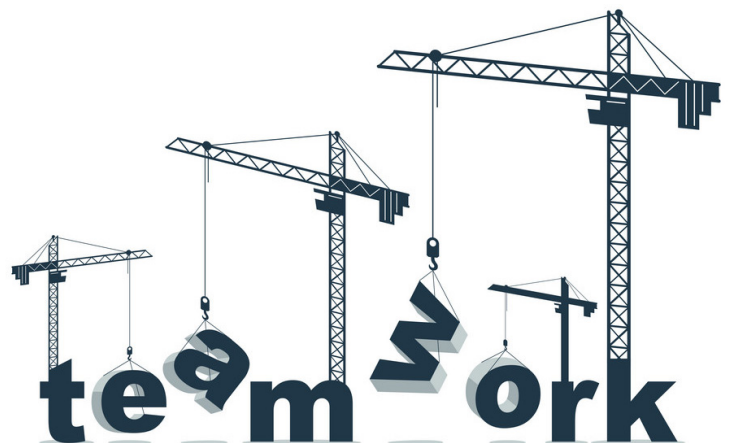
I would like to thank everyone for their participation in our special events this year. From the golf tournaments to summer socials, to our career fairs. We have had great turnout. These special events help us form bonds, stay in touch, and provide a way to grow our association in a very positive manner. The more exposure we can have, the more we are able to accomplish. The Construction Industry is more vital than ever in South Dakota right now. From East to West, we will continue the unprecedented growth in our State. Now, more than ever, we need a strong voice to create a better industry.

In closing, I would like to thank all of you for making it another great year for AGC of South Dakota. Together, we have faced some new and daunting challenges and have worked hard for solutions. No doubt there will be more to come. We are already seeing labor shortages, continued material delay/cost hikes, fuel costs skyrocketing, and equipment hard to procure. However, we remain a steady and strong voice for the construction industry in South Dakota and will meet these challenges head on. Stay focused, keep working hard, and stay involved in AGC, together we will keep making a difference!

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ON SOCIAL MEDIA**
twitter: @AGCOFSD



[WWW.FACEBOOK.COM/SDAGC](https://www.facebook.com/SDAGC)



AGC MEMBER BENEFITS



LEGAL COUNSEL

The AGC of South Dakota, HHU Chapter has an attorney, Jason Smiley, on retainer to assist members and staff with construction-related legal questions. Member firms may contact Jason directly at 605-342-1078 or by email: jsmiley@gpnalaw.com

DENTAL PROGRAM



The AGC of South Dakota has a dental insurance program available to in-state member firms. For more information or to discuss eligibility requirements, please contact the Delta Dental office at 605-224-7345 or by email: sales@deltadental.com.

AGC MEMBERS SAVE MORE THAN \$10M ANNUALLY! ARE YOU PARTICIPATING?

AGC's Membership Discount Programs provide members access to high-quality services, cutting-edge technology and top-of-the-line products. From discounts on vehicles to office supplies to cloud-based construction management solutions, AGC has partnered with some of the best to give you the most for your money and improve your daily business operations. Visit the website: www.agc.org/member-benefits/member-discount-programs.



EMPLOYEE RETIREMENT PLAN

Fringe Benefits Design Inc. is the administrator for the AGC of South Dakota sponsored 401(k) Profit Sharing Plan. They provide all contractors and associate members the education, investments, documents and other administrative needs to implement a qualified retirement plan. Contact Fringe Benefits Design, Inc. for more information at 605-331-5082.



DISCOUNT SPOTLIGHT!

Program Ending January 3, 2023
AN OFFER FOR AGC MEMBERS



GENERAL MOTORS FLEET

GM knows how hard you work, so we're going to help you lighten your load. AGC is pleased to provide Members and their employees with a private offer of \$5001 off the purchase or lease of most new Chevrolet, Buick and GMC vehicles. Association members can combine this offer with most current incentives, including the National Fleet Purchase Program and Business Choice Offers for an even better deal.

Redeeming this private offer is simple!

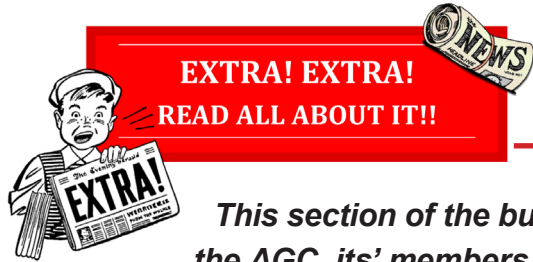
Provide proof of AGC membership: printing your membership information from the online AGC Membership Directory or call the local chapter to verify.

Visit your Chevrolet, Buick or GMC dealer and mention this Private Offer (Incentive Code: FCP).

Choose an eligible vehicle or vehicles to purchase or lease and present your AGC Proof of Membership and employment verification.

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Visit: www.agc.org/member-benefits/general-motors-fleet



EXTRA! EXTRA!
READ ALL ABOUT IT!!

"IN THE NEWS"

This section of the bulletin highlights the AGC, its' members and/or staff who have been quoted, interviewed, published, etc. by the media recently. If you are aware of AGC of SD "In the News" items, please forward them to the AGC Office.

August 2022 Western Builder:

Anderson Contracting, Bituminous Paving, Foothills Contracting and Border States Paving recognized in article titled *"Work nears completion on an \$112 million, 68-mile stretch of U.S. 83 in South Dakota"*.



September 2022 Western Builder: **Corey**

Dorhout, Butler Machinery recognized in article titled *"Caterpillar Technicians Showcase Their Skills"*.



September 12, 2022 Roofing Contractors

Magazine: AGC Young Constructor's Member, **Black Hills Exteriors** pictured and featured in article titled *"Monumental Shift."*



September 24, 2022 KDLT (NBC): **AGC's**

Construction Camps Mentioned during afternoon broadcast of *Keloland Living*.



October 2022 Western Builder:

Anderson Western and Mainline Contracting featured in article titled *"Anderson Western Rehabs 50-Year Old Pipes Along US212"*.



October 28, 2022 Watertown Public Opinion:

AGC's Construction Camps featured in article titled *"Construction camp at Lake Area Tech offers industry insight for high school students"*.



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November 30, 2022 - AGC Board Mtg. - Ft. Pierre

Nov. 30-Dec. 1, 2022 - Joint AGC / SDDOT Meeting - Ft. Pierre

Dec. 1-2, 2022 - Young Const. Pheasant Hunt - Pierre Area

December 7, 2022 - SDDOT EBS Letting

December 8, 2022 - 2023 State Convention Walk Through - Rapid City

December 8, 2022 - YC RC Chapter Holiday Event - Rapid City

December 14, 2022 - SDDOT EBS Letting

December 15, 2022 - SD Trans. Comm. Meeting - Pierre

December 26, 2022 - Christmas Holiday - AGC Office Closed

January 2, 2023 - New Year's Day Holiday - AGC Office Closed

January 10, 2023 - 1st Day of Legislative Session - Pierre

January 11, 2023 - SDDOT EBS Letting

Jan. 16-18, 2023 - 2022 State Convention - Rapid City

January 18, 2023 - Safety Comm. & MSHA Alliance Mtgs. - RC

January 18, 2023 - HR Alliance Meeting - Rapid City

January 24, 2023 - 1st Legislative Briefing - Virtual

Jan. 25-26, 2023 - AGC Ice Fishing Tournament - Pickerel Lake

January 26, 2023 - SD Trans. Comm. Meeting - Pierre

February 1, 2023 - SDDOT EBS Letting

February 9, 2023 - AGC Legislative Lunch - Pierre

February 15, 2023 - SDDOT EBS Letting

Feb. 15-16, 2023 - SD Asphalt Conference - Oacoma

February 23, 2023 - SD Trans. Comm. Meeting - Pierre

Mar. 1-2, 2023 - AGC/SDDOT Construction Summit - Oacoma

March 28, 2023 - AGC Member Meeting - Sioux Falls

March 30, 2023 - AGC Board & Member Meeting - Rapid City

SAVE THE DATES

May 3-4, 2023 - AGC/Corps of Eng. Annual Mtg. - Omaha, NE

June 1-2, 2023 - AGC Safety & HR Summit - Ft. Pierre

June 22-23, 2023 - AGC Fishing Tournament - Pierre Area

July 17, 2023 - Summer Social - Sioux Falls

July 18, 2023 - AGC Golf Tourney (Willow Run GC) - Sioux Falls

August 10, 2023 - Summer Social - Rapid City

August 11, 2023 - AGC Golf Tourney (Red Rock GC) - Rapid City

2023 Membership Renewal & Directory Update

Your 2023 AGC membership renewal invoice and membership information has been mailed! Please complete the membership form and submit payment prior to January 1, 2023.



In addition to renewing, please log into your account and update your company information **PRIOR to December 31st!** The information you update is what will be published in the 2023 Membership Directory!

You can access your account and update your profile by visiting:

<https://www.sdagc.org/login.asp>, or click on "log-in" in the upper right hand corner of our website - www.sdagc.org. It's very important to us that your information is printed correctly, so please log-in and update your company information by 12/31!

2023 Director Openings

While all of you are busy wrapping-up the 2022 construction season, the AGC is busy preparing for 2023. This means it's time to fill our 2023 Board of Director openings. The AGC Board and Associate Division Board is currently accepting Board of Director nominations. If you are interested in becoming a Director please contact the AGC Office or any current board member. Please remember, AGC's success largely depends on the active volunteer leadership of its members. As 2023 nears, please make a commitment to remain or become more active in the AGC!

Legislative Lunch - Save the Date!

"AGC Day" at the Legislature is slated for Thursday, February 9, 2023. AGC will host legislators and members at a lunch in the Capitol Rotunda from 11:00am - 1:00pm. This unique

opportunity allows members to see first-hand how our Legislature operates in Pierre and meet with key state officials. Please save the date now, you do not want miss the opportunity to get face-to-face with your Senators & Representatives! More information will be available soon!



MEMBERSHIP NEWS CONT.

2023 Advertising Opportunities

The new year is just around the corner, so get ahead of the curve and reach your target audience by advertising in a HHU Chapter publication! Opportunities include the AGC website www.sdagc.org, the quarterly bulletin and new ads now in Monday's Weekly News E-Newsletter! Ads are sold at a discounted rate for members and can be placed on a one-time only basis or in every publication for a year. Please see the enclosed form for all of the details and email lindsay@sdagc.org with any questions!



AGC Cares In Action!

AGC Cares is ready to finish off the year by helping others and is looking for some projects to get involved in! If you know of a project or a person needing some "AGC Cares" please email lindsay@sdagc.org or call the office at 605-274-8689! There is no project to BIG or small and all submissions will be considered!



AGC Potential Member Recruitment

The AGC is always looking for new members to join our association and we need your help! If you know of a company that would benefit from joining the AGC, please get in contact with them and ask them to join! The Board of Directors recently approved giving potential members a free registration to attend our 2023 State Convention. Please send any potential member information to the AGC staff today!



We regret to inform you of the passing of **Dennis Landguth**, 76, of Rapid City, who passed away on September 4th. Dennis was involved

in the South Dakota construction industry his entire life, working at the SDDOT, eventually serving as the Secretary of Transportation and is a Hall of Honor recipient.

WELCOME NEW MEMBER!



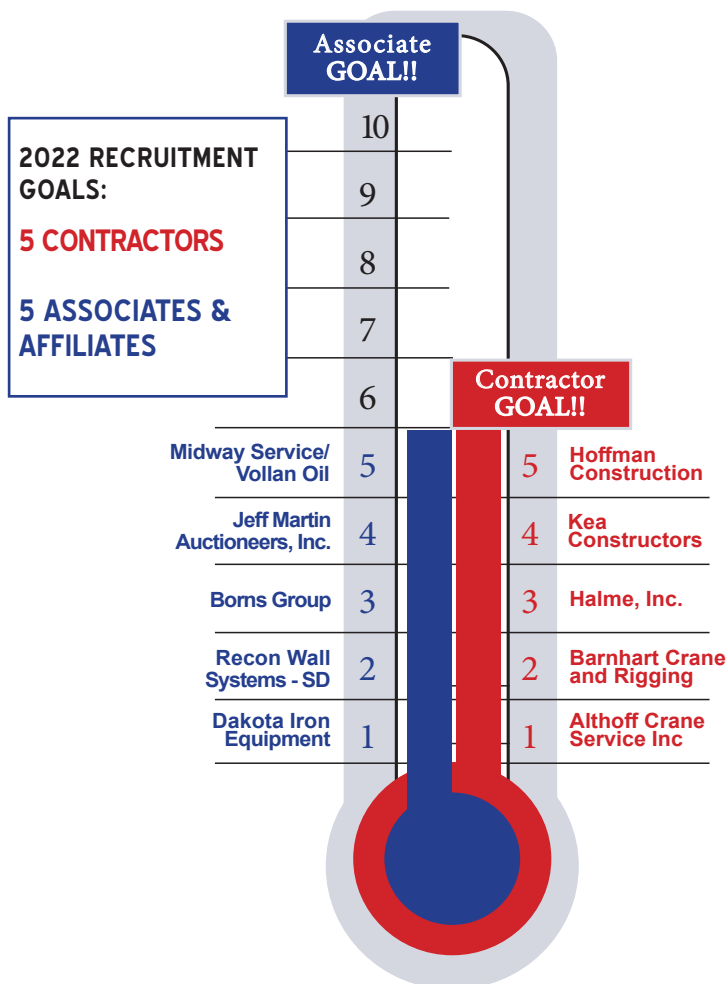
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shawn@vollanoil.com



GOAL!



5th Annual John Shoemaker ICE FISHING TOURNAMENT

“Nothin But a Good Time Raising
Money for Education”

January 25-26, 2023 @ Pickerel Lake Lodge - Grenville, SD

SAVE THE
DATE!

Registration and sponsorship
information will be available
soon in the Monday Morning
Weekly News and on our
website:

www.sdagc.org



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AGC/SDDOT Fall Meeting November 30th & December 1st in Fort Pierre, SD!

Make plans to attend the AGC/SDDOT Fall Meeting of Contractors and Key SDDOT personnel! Be

prepared to expand your knowledge & help shape the future of our industry! Key discussion topics include; Transportation Funding Update (State & Federal), Construction Challenges (Supply Chain, Workforce, Backlog), New Federal Buy America Requirements for Construction, Construction Delays (Excusable, Compensable, Non-Compensable), 2022 Prevailing Wage Discussion, Continuous Improvement & Innovation topics and much more! The meeting starts at 1:00pm CT on the 30th and wrapping up by Noon CT on the 1st. Room reservations can be made by calling the AmeriInn in Fort Pierre at (605) 223-2358. The block room rate is \$99.00 per night. Registration is open and can be done on the AGC website at www.sdagc.org. Please make plans to attend this informative and relationship building event - get registered today!

SDDOT Now Hiring Seasonal Winter Snow Plow Operators

SDDOT is hiring seasonal snowplow operators for the upcoming winter season. Candidates must be 18 years of age and have the ability to operate heavy equipment. Must have a valid driver's license and be able to obtain a Class A or Class B commercial driver's license (CDL) within 60 days of hire date to retain employment. For more information or to apply for a Winter Seasonal Snowplow Operator position, please visit: <https://bhr.sd.gov/job-seekers/>.

AGC/SDDOT Transportation Summit – Save the Date

The AGC & SDDOT will once again be hosting the Annual Transportation Summit March 1 & 2, 2023 at Arrowwood Resort & Conference Center in Oacoma, SD. More details will be available soon, but in the meantime, please save the date!



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AGC SCRAPBOOK

Fall Membership Meeting in Sioux Falls SUCCESS

AGC Hosted our Fall Membership Meeting on October 27th at the Military Heritage Alliance Building in Sioux Falls! Thank you members for attending!



2023 AGC/SDLICA STATE CONVENTION

January 16-18 @ The Monument - Rapid City, SD

REGISTRATION IS OPEN! HERE ARE SOME EVENT HIGHLIGHTS:

Keynote Speakers:



"Unstoppable Leadership"
Alex Weber, Professional Speaker



"Hammers to Hollywood"
Kaylene McCabe, Contractor; Host of DIY's "Rescue Renovation" & Trades Advocate



"Mastering Your Memory"
Tyler Enslin, Business Owner & Professional Speaker

Breakout Session Topics:

- "Military/Civilian Leadership Lessons"
- "Motor Carrier/FMCSA Update"
- "Cybersecurity - Protect Your Business"
- "Ellsworth AFB Projects and Community Impact"
- "Passing the Family Torch: Next Gen Engagement"
- "Leading from the Middle" - **AND MANY MORE!**

AGC Young Constructors Night Out Event Details:

Members of ALL ages are encouraged to attend an evening out at Rapid City's newest restaurant, sports bar, casino and event venue The Park! This social event will begin immediately following the Awards Banquet and entertainment will be The "Dueling Duo", dueling piano extraordinaires! OTHER CONVENTION EVENTS INCLUDE:



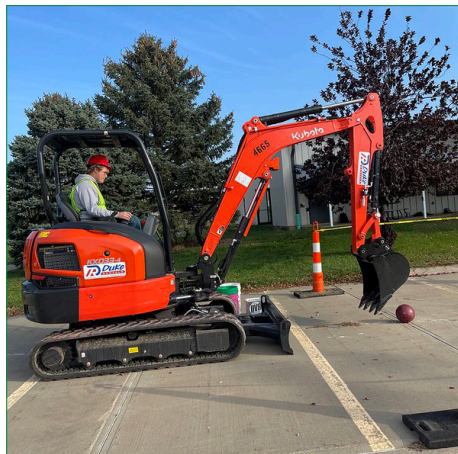
- Annual Awards Banquet
- Installation of Officers Banquet
- Past President's Breakfast
- Leadership Lunch
- Safety/HR Winter Speaker Summit

WE HOPE TO SEE YOU THERE!

FULL CONVENTION DETAILS CAN BE FOUND AT:

www.sdagc.org/stateconvention

CONSTRUCTION CAMPS SCRAPBOOK 2022



WORKFORCE DEVELOPMENT NEWS

CONSTRUCTION CAREER CAMP FALL SEASON A HIT!

Our Fall camp season is a wrap and it was an amazing success! We reached into five communities with nearly 900 students impacted from schools across the state. We can't say thank you enough to our members who have committed their finances, people and equipment to this critical initiative.

Fall 2022 Camps were held:

- September 22: Sioux Falls at Southeast Technical College
- September 27 & 28: Rapid City at Central States Fairgrounds
- October 6: Yankton at RTEC
- October 12: Pierre at TF Riggs High School
- October 20: Watertown at Lake Area Technical College

Every High School student who participated in our camps received a cinch sack promoting construction careers and camp sponsors. Photos from the camps can be found on the previous page!

Careers in Construction Month

AGC of SD along with Governor Kristi Noem via an Executive Proclamation, is proud to proclaim October 2022 as "Careers in Construction Month" across South Dakota! As an essential industry, the key aspect of our on-going workforce development goal is to show students career opportunities available in construction. With the ever-growing need for skilled professionals in the construction industry, there has never been a better time for education and industry to work together to help students build successful construction career pathways that are stable and rewarding.



Construction Career Academies Wrap Up for '22 – Application Opens in January for '23

Our innovative 10-week summer academy was a huge success for 2022 with a 100% success rate

for all students enrolled. 16 students, 8 in Sioux Falls and 8 in Rapid City, spent 10 weeks earning credits at Southeast Tech and Western Dakota Tech and working on the job for the following members:

- ASCO
- Complete Contracting
- Dean Kurtz Construction
- Muth Electric
- RCS Construction
- Scull Construction
- Site Work Specialists

Recruiting efforts for our Summer 2023 Construction Career Academy are about ready to start for both Sioux Falls and Rapid City. Please contact the AGC office if you are interested in the program and want to know more about getting involved. This is a great way for your company to start developing a high school talent pipeline! Thank you members for your support of this incredible program!



CDL Hiring Campaign Update

It's proven that training new employees can lead to increased retention, company loyalty and enthusiasm on the job. We all know there is a critical shortage of CDL drivers so check into our innovative CDL project we are collaborating with SD DOT to train on the job with candidates eager to learn. Be watching for emails for new candidates from Enova!

Youth Apprenticeship

AGC of SD has enrolled seventeen high school students into our HEO and Commercial Carpentry Apprenticeships to date. This program has opened the doors for students ages 16 and 17 to join our apprenticeship programs and to join our members on the worksite. If you have a student you are interested in enrolling, contact the AGC office today!



WORKFORCE DEVELOPMENT NEWS

Enova Update

Since January, Enova has been bringing FREE services for our members including: HR Health Checks, Educational Webinars, State Jobs Board and more. Enova is still taking appointments for HR Health Checks so don't miss out on this fantastic and free opportunity to take your company to the next level! We have a limited number of reports that share results from 2022 here with us. Contact the AGC office if you'd like to have one emailed to you.

AGC HR Alliance in Action

AGC's HR Alliance has been active in hosting monthly meetings connecting West River and East River Alliance members with meetings streamed from each side of the state. Invitations are sent via email to the HR Alliance and the events are also noted in the weekly Workforce Pipeline News



e-newsletter. If you have an employee you'd like to have added to the email list, please call the AGC office.

Build Dakota Scholarship Program

Joey Noeldner HHU's Stretch the Million scholar, will be graduating this spring and has committed to working for DeBoer Construction as a heavy equipment operator/truck driver. He is committed to working for an HHU member for three years. In addition, HHU has sponsored two incredible students, Zach Neu and Logan Comes who will be looking for summer internships this summer. Interested in securing future educated employees? Think about sponsoring students for the South Dakota Build Dakota program at one of South Dakota technical colleges. Visit www.builddakotascholarships.com for more information or to schedule an interview with Zach or Logan this spring, call the AGC office today.

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SAFETY & TRAINING NEWS

2022 Safety & Training Calendar Now Available!

The Safety staff has been busy preparing the safety & training calendar for the upcoming 2022 Training Season. We are happy to announce that the calendar is now available at www.sdagc.org! For questions or to set up trainings please email Jim Heaphy at jim@sdagc.org.

Upcoming Safety Training Opportunities:

Confined Space - Competent Person

Dec. 5th: Watertown
Dec. 13th: Yankton
Jan. 24th: Brookings

Fall Protection – Competent Person

Dec. 6th: Watertown
Dec. 14th: Yankton
Jan. 25th: Brookings

First Aid/CPR

Dec. 1st: Sioux Falls

OSHA 10 Hour – Construction

Dec. 15th -16th: Yankton
Dec. 20th -21st: Brookings
Jan. 20th, 27th: Sioux Falls
Jan. 31st & Feb. 1st: Watertown

OSHA 30 Hour – Construction

Jan. 20th, 27th & Feb. 3rd, 10th: Sioux Falls

Safety Tech Modules

Jan. 10th: Safety Data Tracking & Trending – Online

Scaffolding – Competent

Dec. 6th: Watertown
Dec. 14th: Yankton
Jan. 25th: Brookings

Traffic Control Supervisor Training

Jan. 26th, 27th: Sioux Falls

Trench & Excavation - Competent Person

Dec. 5th: Watertown
Dec. 13th: Yankton
Jan. 24th: Brookings

Qualified Rigger/Signalperson

Dec. 5th -7th: Rapid City
Dec. 19th-21st: Sioux Falls

Traffic Control Supervisor (TCS) Re-Certification Upcoming

Traffic Control Supervisor (TCS) Recertification is required within 4 years of course completion to maintain your TCS certification per the SDDOT. If you attended and successfully completed the AGC of South Dakota TCS class back in 2019, you are due for the recertification test. Once the Recertification Schedule is finalized, details including Registration link, locations and times will be in the Weekly News.

2023 State Convention Safety Programming is the Frosting on the Cake!

What better way to cap off a great 2023 AGC/LICA State convention than to finish up with some safety meetings and riveting breakout speakers. After the Safety Committee and MSHA Alliance meetings we will have the opportunity to hear from Tyler Enslin and Kayleen McCabe. Imagine losing a valued worker or some other negative event – how would you respond and avoid spiraling into depression? Tyler Enslin will start with a session titled Remaining Positive in Times of Crisis. Since many of our members are challenged to find enough employees and the construction industry has the highest suicide rate of any profession, we've asked Ms. McCabe to speak on Mental Health in the Workplace to shine some light on a seldom discussed topic. Hope to see many of you attending these final sessions.

State Convention Safety Committee & MSHA Alliance Meetings Announced!

The AGC Safety Committee & MSHA Alliance will be meeting during the 2023 State Convention at The Monument in Rapid City. The Safety Committee meeting will be held on Wednesday, January 18th from 7:15am - 8:15am MT. The MSHA Alliance will also be meeting from 8:15am - 9:15am MT on Wednesday, January 18th. These meeting will take place just prior to the post-convention Safety/HR Keynote sessions. Details will be sent out in an outlook calendar invite soon - but please save the dates today!

South Dakota AGC Safety Awards

We know you have outstanding people in your organizations that should be recognized for their contributions to the safety of your organizations. Now is the time to show them how much they mean to our organizations and the safety community. We have the Safe Driver Award, Outstanding Company Safety Award, and of course the Paul Lepthian Award given

to the most outstanding Safety personnel. We're taking Submissions for the following Safety Awards to be presented at 2023 State Convention:

- Company Growth Award
- Paul Lepthien Award
- Safe Driver Award

Submissions are due December 2, 2022. The forms are available on our website at www.sdagc.org.

Safety/HR Summit Just Around the Corner

The AGC Safety and Training Calendar is updated for the 2022/2023 training season and available on our website www.sdagc.org. Classes fill up fast so please make sure to register as soon as possible. If you want a class not on the schedule, or want to schedule training just for your company, please contact jim@sdagc.org to get the class scheduled.

AGC Virtual Training Opportunities!

Discover AGC Edge - A New Virtual Learning Experience

Looking for new training opportunities in 2022? With AGC's live, instructor-led courses, it's never been easier to build your skill set and access the training you need. Whether you're looking to build your knowledge in BIM, Lean, Project Management or Supervisor Training, these virtual programs provide the same learning experience and expert instruction as in-person programs. The class descriptions and registration links can be found at: <https://www.agc.org/learn/education-training/virtual-learning>.

Commercial Driver License (CDL) Entry Level Driver Training (ELDT)

Is your company in need of additional employees with a CDL? Well the AGC can assist your company with the required Entry Level Driver Training (ELDT) that has been required since February, 7, 2022. Here are the classes that are scheduled throughout the state for the remainder of this calendar year and for 2023.

December

- December 8, CDL Permit Training Zoom 9:00am - 1:00pm CT
- December 12-14, CDL Class A & B Theory Training - Sioux Falls @SDDOT, 8:00am - 4:30pm

January

- January 16-18th, State Convention – Vehicle Inspection Training
- January 19th CDL Permit Training (In Person) Rapid City @ SDDOT 7:30am – 11:30am
- January 19th Train the Trainer (TTT) Rapid City @ SDDOT 12:30pm – 5:30pm

- January 26th ZOOM CLP Exam Prep 9:00am – 1:00pm Central

February

- February 6-8th CDL Class A & B Theory Training - Sioux Falls @ SDDOT 8am - 4:30pm
- February 9th CDL Permit Training (In Person) Sioux Falls @ SDDOT 7:30am – 11:30am
- February 9th Train the Trainer (TTT) Sioux Falls @ SDDOT 12:30pm – 5:30pm
- February 22nd ZOOM CLP Exam Prep 9:00am – 1:00pm Central

March

- March 13-15th CDL Class A & B Theory Training – Pierre/TBD 8am - 4:30pm
- March 16th CDL Permit Training (In Person) Pierre/ TBD
- March 16th Train the Trainer (TTT) Pierre/ TBD 12:30pm – 5:30pm
- March 29th ZOOM CLP Exam Prep 9:00am – 1:00pm Central

April

- April 3-5th CDL Class A & B Theory Training - Rapid City @ SDDOT 8am - 4:30pm
- April 6th CDL Permit Training (In Person) Rapid City @ SDDOT 7:30am – 11:30am
- April 6th Train the Trainer (TTT) Rapid City @ SDDOT 12:30pm – 5:30pm
- April 10-12th CDL Class A & B Theory Training Aberdeen/TBD 8am - 4:30pm
- April 13th CDL Permit Training (In Person) Aberdeen/TBD 7:30am – 11:30am
- April 13th Train the Trainer (TTT) Aberdeen/TBD 12:30 -5:30pm
- April 19th ZOOM CLP Exam Prep 9:00am – 1:00pm Central

May

- May 1st – 3rd CDL Class A & B Theory Training - Sioux Falls @ SDDOT 8am - 4:30pm
- May 4th CDL Permit Training (In Person) Sioux Falls @ SDDOT 7:30am – 11:30am
- May 4th Train the Trainer (TTT) Sioux Falls @ SDDOT 12:30pm – 5:30pm
- May 17th ZOOM CLP Exam Prep 9:00am – 1:00pm Central



**Know what's below.
Call before you dig.**

LEGISLATIVE NEWS



2022 Legislative Election Recap

CONPAC was active in electing business friendly candidate to the South Dakota Legislature. While most CONPAC contributions were made during an especially busy primary election in June, several contributions were delivered to candidates with a general election. Of the 25 legislative candidates supported by CONPAC, 24 won their seats. There is also a possible recount at the time this was written. CONPAC was supported the reelection of Governor Kristi Noem. Governor Noem won the race by a large margin, and we look forward to working with her to ensure business friendly legislation passes in the 2023 Legislative Session.

2022 Ballot Measures

In addition to supporting the governor and legislative candidates, CONPAC and AGC also were involved in defeating the initiated measure to legalize adult use of recreational marijuana, IM 27. The construction industry opposed IM 27 because of the lack of any kind of impairment testing. Since THC, the psychoactive component in marijuana, can take several weeks to leave the body, once a worker flunks a drug test they are off the books until they test clean. Legalizing recreational marijuana would vastly increase the number of workers testing positive for THC. The construction industry cannot stand a further dilution of the workforce. IM 27 was defeated when fifty-three percent of votes said no to recreational marijuana. However, proponents said they will begin work to place the issue on the 2024 ballot.

AGC at SD Worker's Compensation Advisory Council Meeting

The South Dakota Workers' Compensation Advisory Council heard a proposal asking that injured workers receive certain communications from nurse case managers to their medical providers. An injured patient, who has settled her claim, is asking for an addition to state law that would require nurse case managers, who administer claims made by injured workers, to include those workers on communications to health providers regarding the compensability, causation or entitlement to workers' compensation benefits.

The attorney representing the patient said that the law now allows for "secret communications" between nurse case managers and health providers. The proposal would require the patient be carbon copied on all correspondence.

Allowing case managers to communicate with an injured worker's health providers without including the worker might allow insurers to manipulate an insurance claim to the benefit of insurance companies, according to the attorney. The attorney also claimed that nurse case managers, who are supposed to be neutral parties, are now often working on behalf of insurance companies.

AGC and other employer groups and several insurance companies asked that the council not support the proposal, as any changes could lead to more time away from work and possible increased costs. The council did allow the measure to advance without recommendation. That means that the issue could be introduced during session but will not be supported by the council.

2023 Legislative Session

The election is over and the countdown to the start of the 2023 Legislative Session on January 10 has started. AGC is involved in many discussions about session already. We will be on the ground at the Capitol for the Governor's Budget Address in December so we can meet new legislators and network with all legislators about upcoming bills of interest to the construction industry. There are already a few items of interest:

- Possible new Reemployment Insurance Tax Tables
- Property Tax Revisions
- Tweaks to the Medical Marijuana Program
- Abortion Restrictions that may penalize businesses
- Creation of Impairment Ratings for Marijuana
- Autonomous Vehicles
- Electric car charging by utilities
- Workers Compensation treatment communications
- Gas tax holiday

As usual, AGC will have a presence at the Capitol during the entire run of the session. All bills introduced will be read and those of interest to the construction industry will be shared with the legislative committee, which will determine AGC's stance on each bill. We will share a weekly bill log and activity synopsis and host a weekly ZOOM call to share information with members. Join us for the first ZOOM call in Tuesday, January 24, 2023 at 2:00 p.m.

AGC LEGAL MINUTE

JASON SMILEY, AGC LEGAL COUNSEL



Construction Law Presentation at 2023 Convention

I have been practicing law in South Dakota and surrounding states for nearly twenty years and most of that time has been spent helping people just like you. What has become apparent during that time is that most

problems that arise on a construction project are foreseeable. Not always, but that is often the case. And if they are foreseeable, they are preventable. In order to be able to prevent problems before they arise or respond appropriately when they do, you need to be educated. It is with that in mind that I will be presenting on the topic of construction law in South Dakota at the 2023 convention.

The presentation focuses on what can go wrong, how to prevent it from happening, and what to do when problems arise. The session will take place on Monday, January 16th from 3:30-4:30pm at The Monument.

The presentation was developed as a companion to the book that I wrote on South Dakota construction law. The book takes a topical approach, digging into the details of contract formation and the nature of legal obligations applicable to construction projects. The presentation takes a chronological approach, discussing problems that arise at various stages of the project, from pre-bid to final completion. Both are intended to educate your work force and to help you manage risk. I hope to see you there!



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AGC OF AMERICA NEWS

USDOT Buy America Waiver Expired

New Buy America requirements for “construction materials” will be in federal-aid transportation

contracts awarded on or after November 10, as USDOT proposes limited exceptions.

The U.S. Department of Transportation’s (DOT) waiver of Build America, Buy America Act (BABAA) compliant “construction materials” requirements in federal-aid transportation contracts expired Nov. 10. As a result, DOT recently published two proposed waivers with far smaller scopes. The newly published waivers clarify that the general “construction materials” waiver expiring on November 10 will not be extended and instead propose to waive the domestic preference requirements for specific situations.

One of the waivers proposes that BABAA requirements for “construction materials” not apply in the following scenarios:

- Any contract dated before November 10, 2022;
- Any contract dated before March 10, 2023, if the contract results from a solicitation published prior to May 14, 2022.

The second DOT waiver is proposing to waive BABAA’s requirements for iron and steel, manufactured products, and construction materials for projects in which:

- The total value of the non-compliant products is no more than the lesser of \$1,000,000 or 5% of total allowable costs under the Federal financial assistance award;
- The size of the Federal financial assistance award is below \$500,000; or
- The non-domestically produced miscellaneous minor components comprise no more than 5 percent of the total material cost of an otherwise domestically-produced iron or steel product.

The waiver would be effective for a five-year period, after which DOT would need to go through a process in order to review and approve it yet again. During the review period, DOT would be able to adjust the specific details of the waiver. For more

information, contact Deniz Mustafa at deniz.mustafa@agc.org.

Building a Better Congress

AGC PAC is the nonpartisan political action committee (PAC) sponsored by AGC of America. It is registered with the U.S. Federal Election Commission (FEC) and allows eligible employees of AGC member companies to pool personal, voluntary financial contributions. The contributions are used to support candidates running for elective office who, regardless of party affiliation, understand the construction industry and the specific needs, interests and concerns of AGC member companies and their employees. For more information on how to get involved contact David Ashinoff, Director of AGC PAC & Political Advocacy at ashinoffd@agc.org or (202) 547-5013.



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AGC of America
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Jan. 18-20, 2023

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Jan. 30 - Feb 1, 2023

**AGCA Surety Bonding & Risk
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Mar. 13-16, 2023

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