

**STATE BOARD DISCLOSURE AND
WAIVER DECISION MATRIX FOR
SDCL 3-23-1 through 3-23-5 (hereinafter the “Disclosure Laws”)
Effective July 1, 2016**

DO I NEED TO REQUEST A WAIVER?

This matrix will assist a present or past state board member to determine whether it is necessary to seek a waiver in order to be a party to, or receive a benefit from, a contract with a State agency or with a political subdivision of the State. This matrix is not designed to be used in isolation: instead, it should be used in conjunction with the State Board Waiver Instructions and Form for the Disclosure Laws, a review of the Disclosure Laws, and contact with legal counsel. This matrix is intended as a general guide only and is not by itself determinative of whether a conflict of interest exists.

The questions in this matrix may not address your specific situation. In addition, to answer these questions, you should keep in mind that an agreement does not always need to be in writing to be considered a contract. If you have any doubt as to the answer to any of the questions below, you are encouraged to choose “YES” for the purposes of completing the matrix and deciding whether you need to ask for a waiver.

1. As of July 1, 2016 or thereafter, was I a member of one of the boards, commissions, or authorities listed below?
 - (1) South Dakota Building Authority;
 - (2) Board of Economic Development;
 - (3) South Dakota Housing Development Authority;
 - (4) South Dakota Health and Education Facilities Authority;
 - (5) Science and Technology Authority Board of Directors;
 - (6) South Dakota Ellsworth Development Authority;
 - (7) South Dakota Commission on Gaming;
 - (8) South Dakota Lottery Commission;
 - (9) State Brand Board;
 - (10) Game, Fish and Parks Commission;
 - (11) Banking Commission;
 - (12) Board of Trustees of the South Dakota Retirement System;
 - (13) Aeronautics Commission;
 - (14) South Dakota State Railroad Board;
 - (15) Transportation Commission;
 - (16) South Dakota Board of Education;
 - (17) Board of Regents;
 - (18) Board of Pardons and Paroles;
 - (19) Board of Minerals and Environment;
 - (20) Board of Water and Natural Resources;
 - (21) South Dakota Railroad Authority; and

(22) Board of Water Management.

If YES, proceed to next question.

If NO, no request for waiver is needed.¹

2. If I am no longer a member of a board, commission, or authority listed in question 1, did my membership end within the last year?

If YES, proceed to next question.

If NO, no request for waiver is needed

3. Will or do I, my spouse or any other person with whom I live and commingle assets have a five percent or more ownership or other interest (such as being a creditor) of any business or entity that contracts or does business with the State or with a political subdivision of the State?

If YES, proceed to question 8.

If NO, proceed to next question.

4. Will or do I, my spouse or any other person with whom I live and commingle assets earn or receive any income, compensation or commission directly from any contract with the State or with a political subdivision of the State, or from any business or entity that contracts or does business with the State or with a political subdivision of the State?

If YES, proceed to question 8.

If NO, proceed to next question.

5. Will or do I, my spouse or any other person with whom I live and commingle assets acquire any property as a result of any contract with the State or with a political subdivision of the State?

If YES, proceed to question 8.

If NO, proceed to next question.

6. Do I, my spouse or any other person with whom I live and commingle assets serve on the board of directors of an entity, including a nonprofit entity, that receives or obtains any income, compensation, commission or property from any contract with the State or with a political subdivision of the State?

¹ This matrix does not address conflicts for a board member, fiscal agent, officer, or executive of a local service agency, education service agency, nonprofit education service agency, or jointly governed education service agency that receives money from or through the State. However, such persons are also subject to the Disclosure Laws.

If YES, proceed to question 8.
If NO, proceed to next question.

7. Have I, my spouse or any other person with whom I live and commingle assets entered into, or am I or any of the foregoing persons considering entering into, any contract or business transaction with the State or with a political subdivision of the State?

If YES, proceed to the next question.
If NO, no waiver is necessary.

8. Is the contract or transaction with the board, commission or authority on which you serve or served within the last year or with the State Agency that assists such board, commission or authority?

If YES, you need to request a waiver.
If NO, proceed to next question.

9. Is the contract or transaction within the jurisdiction or related to the subject matter of the board, commission or authority on which you serve or served within the last year?

If YES, you need to request a waiver.
If NO, proceed to next question.

10. Is the contract or transaction with a political subdivision of the State that administers or executes a program with similar subject matter as the board, commission or authority on which you serve or served within the last year?

If YES, you need to request a waiver.
If NO, no waiver is necessary.