

SOUTH DAKOTA TRANSPORTATION COMMISSION MEETING MINUTES

Thursday, July 25, 2024 at 9:00 a.m. CT

Becker-Hansen Building/Commission Room - 700 East Broadway Avenue, Pierre, South Dakota

COMMISSIONER PRESENT: Lynn Jensen, Chairman
Don Roby, Vice-chairman
Jaf Karim
Larry Nelson
Ron Rosenboom
Austin Simons
Rick Vallery
Mike Vehle

DOT STAFF PRESENT: Joel Jundt, Karla Engle, Mike Behm, Craig Smith, Kellie Beck, John Keyes, Joanne Hight, Scott Rabern, Mark Leiferman, Jack Dokken, Sam Weisgram, Kimberly Zerr, Katlyn Wieme, and Kari Kroll

**DOT STAFF PRESENT:
VIA CONFERENCE CALL:** Mark Peterson and Christina Bennett

OTHERS PRESENT: Kirk Van Roekel – Federal Highway Administration (FHWA); Will Sutton – KFH Group, Inc.; Terry Sletten – South Dakota Association of Towns and Townships (SDATAT); Kody Kyriss – SDATAT; Travis Paulson – SDATAT; Dustin Leiseth – SDATAT; and Kris Jacobsen – Counties Association

**OTHERS PRESENT
VIA CONFERENCE CALL:** Toby Crow – Association of General Contractors (AGC)

Chairman Lynn Jensen called the meeting of the South Dakota Transportation Commission (the “Commission”) to order at 9:00 a.m. CST. A roll call was taken and a quorum was present.

Jensen opened the floor to the Commission members to disclose potential conflicts of interest and to present requests for waiver pursuant to South Dakota Codified Law (SDCL) chapters 3 – 23.

Karla Engle, Office of Legal Counsel, acknowledged the receipt of annual conflict of interest disclosures from Commissioners Nelson, Simons, and Karim which were shared as handouts to the Commission and will be attached to these minutes as **ATTACHMENTS A - C**. No other conflicts of interest were disclosed and no new waivers were requested.

Jensen asked for a motion to approve the June 27, 2024 Commission meeting minutes.

A MOTION WAS MADE by Roby and seconded by Karim to approve the June 27, 2024 Commission meeting minutes. All present voted aye by voice vote. The motion carried.

Jensen opened the floor to public input.

No members of the public addressed the Commission or offered any input.

Jensen asked for a motion for the Commission to enter into executive session.

A MOTION WAS MADE by Nelson and seconded by Rosenboom to enter into executive session pursuant to SDCL 1-25-2(3) for the purpose of consulting with legal counsel and reviewing communications from legal counsel about proposed or pending litigation or contractual matters. All present voted aye by roll call vote. The motion carried.

Executive session began at 9:04 a.m.

Executive session ended at 9:50 a.m. CT.

Secretary Joel Jundt presented the following items to the Commission in his Secretary's Report:

- July 1, 2024 begins the planning of the next fiscal year budget that includes a meeting with the Bureau of Finance & Management (BFM). An increase in a number of areas of the budget will most likely be proposed, based on inflation and the cost of doing business.
- The Department of Transportation (the "Department") is preparing for the 2025 Legislative Session. If the Commissioners have anything they would like the Department to consider, please let Secretary Jundt know.
- At the June 27, 2024 meeting, Frank Kloucek addressed the Commission during public input and followed up with a petition to decrease the speed limit at the intersections of US18/SD81 as well as SD37/SD46. Per South Dakota Codified Law (SDCL) 1-26-13, Secretary Jundt has the authority to make a decision on the petition. Secretary Jundt chose to deny the petition, since the Department is planning to install 4-way-stop signs at these intersections.
- Jundt asked Smith to give a flooding update on state highways in the southeast part of the State. Smith shared there were only two locations left on the state system which were still undergoing repairs to be fully functional: SD44 near Parker and SD48 near the Iowa border. SD44 involved a bridge structure and should be open in a few weeks. SD48 is expected to be reopened in September. Smith also reported that there were approximately 50 locations on the state system that would be seeking federal emergency relief funds for cost reimbursement.
- Statewide Transportation Improvement Plan (STIP) Meetings were held virtually on July 16 and July 18. The change in style was due to the dropping number of in-person general public participation in recent years. Overall, the Department views this process as a success and plans to do hold virtual meetings again next year.

- Text-In Program is a new program that has been implemented. This smartphone media platform allows citizens to opt in to receiving notifications via text about changing conditions within large state construction projects. The most popular project is US385 near the Black Hills. Jundt reminded the Commission about the Reimbursement Guidelines for attending meetings and getting reimbursed for travel.

Jundt presented for Commission consideration the Rural Access Infrastructure Fund (RAIF) requested by the South Dakota Association of Towns and Townships (SDATAT). Jundt provided background on RAIF and its history to the Commission.

Terry Sletten and Dustin Leiseth of SDATAT presented their request to the Commission. Sletten shared that SDATAT would like the Commission to fund the RAIF program using State Highway Funds in the amount of \$5,000,000 annually. She explained the funding of RAIF through the legislative process in 2021 – 2024 as well as shared the statistics of the awarded projects. Sletten made note of the Department's assistance with the design of the legislatively funded program, modeling it after the Bridge Improvement Grant (BIG) program.

Dustin Leiseth discussed the success of the RAIF program. He shared why SDATAT believes that the program is important to South Dakota and the Commission.

The Commissioners posed questions to Sletten and Leiseth and discussed the proposal with Sletten and Leiseth. One concern raised by members of the Commission was how the \$5,000,000 annual allocation would be funded and the impact funding the RAIF program would have on existing programs.

The Commission took no action on this item.

Commissioner Don Roby stepped away from the meeting from 11:13 – 11:16 a.m.
Commissioner Larry Nelson stepped away from the meeting from 11:25 – 11:28 a.m.

Jensen called for a break in the proceedings. The meeting paused from 11:28 - 11:39 a.m.

Craig Smith, Division Director of Operations, presented the following informational Construction Change Orders (CCO) to the Commission.

CCOs completed in June contain an increase of \$174,703.57. Over the past 12 months, the overall contract increase is 1.97%.

The following projects have a CCO amounting to a contract change more than \$50,000.

ABERDEEN REGION

1. Project: NH 0013(164), Beadle County, PCN 08RJ

Location: Various routes in the Huron area

Contractor: Highway Improvement, Inc.

Type of Work: crack leveling

Original Contract Amount:	\$	453,030.00
Change on CCO No. 1F:	\$	(437,984.00)
Net Change to Date:	\$	(437,984.00)

Explanation of Change on CCO No. 1F: This decrease is the result of SDDOT, in agreement with the contractor, voiding the contract after determining there were not enough cracks large enough to warrant leveling.

2. Project: PH 0010(229), Aberdeen Region, PCN 09FN

Location: Aberdeen Region

Contractor: Diamond Surface, Inc.

Type of Work: centerline rumble strips

Original Contract Amount:	\$	5,639,914.39
Change on CCO No. 1:	\$	(150,187.45)
Net Change to Date:	\$	(150,187.45)

Explanation of Change on CCO No. 1: This decrease is the result of SDDOT removing a segment of the project due to the segment being a thin overlay lift with a 6' transverse joint which would be impractical to place centerline rumble strips effectively.

MITCHELL REGION

3. Project: IM 0293(106)76, Minnehaha County, PCN 03RA

Location: I-29 Exit 77 (41st Street Interchange) in Sioux Falls

Contractor: D & G Concrete Construction, Inc

Type of Work: grading, structures, MSE retaining wall, curb & gutter, storm sewer, PCC pavement

Original Contract Amount:	\$	35,568,714.00
Change on CCO No. 17:	\$	105,644.90
Net Change to Date:	\$	(343,269.06)

Explanation of Change on CCO No. 17: This increase is the result of SDDOT compensating the contractor for additional work to remove and replace fiber reinforced PCC pavement. The pavement had been poured and then cracked due to joint layout in the plans. The new placement includes a revised joint layout.

RAPID CITY REGION

- 4. Project: IM 0902(112)59, Pennington County, PCN 6568
Location: I-90 Exit 59 (LaCrosse Street) in Rapid City
Contractor: Complete Concrete, Inc.
Type of Work: grading, curb & gutter, storm sewer, asphalt concrete surfacing, PCC surfacing

Original Contract Amount: \$ 17,484,588.63
Change on CCO No. 20: \$ 150,000.00
Net Change to Date: \$ 404,393.17

Explanation of Change on CCO No. 20: This increase is the result of SDDOT making an incentive payment for an additional 30 working days for additional work completed in the first season.

- 5. Project: NH-P 0042(91), Belle Fourche Area, PCN 0883
Location: Various locations in the Belle Fourche area
Contractor: Highway Improvement, Inc.
Type of Work: rout & seal

Original Contract Amount: \$ 284,810.46
Change on CCO No. 1: \$ 119,594.38
Net Change to Date: \$ 119,594.38

Explanation of Change on CCO No. 1: This increase is the result of SDDOT adjusting contract quantities to match as built quantities due to normal project variations.

- 6. Project: PH 0040(338), Rapid City Region, PCN 06U3
Location: Various locations in the Rapid City region
Contractor: The Truesdell Corporation
Type of Work: high friction surface treatment

Original Contract Amount: \$ 2,639,136.01
Change on CCO No. 2: \$ 85,360.20
Net Change to Date: \$ 85,360.20

Explanation of Change on CCO No. 2: This increase is the result of SDDOT compensating the contractor for additional work to remove the existing pavement markings prior to the high friction surface treatment application.

Sam Weisgram, Office of Project Development, presented to the Commission the following bid letting results:

July 17, 2024

Pipe Work, Culvert & Ditch Cleanout

1	06EQ IM-NH-P 0022(71) Hulstein Excavating Inc. Various Locations Throughout the Sioux Falls Area	Lincoln, Minnehaha, Moody County \$258,445.70
---	--	--

Cold Milling, Full Depth Reclamation, Asphalt Concrete Surfacing, Pipe Work, Modify Intersection

2	06P9 NH 0081(112)95 Duininck, Inc US81 - Fm N of NW 9th St in Madison to the Lake/Kingsbury/Brookings Co Line	Lake County \$12,127,904.81
---	---	--------------------------------

A MOTION WAS MADE by Roby and seconded by Karim to approve bids #1 and 2. All present voted aye by voice vote. The motion carried.

Durable Pavement Marking

3	05VM, 07X6 PH 0020(184), PH 0020(218) Traffic Solutions Inc Various locations in the Mitchell Region	Clay, Minnehaha, Regionwide County \$1,015,162.55
---	--	--

A MOTION WAS MADE by Karim and seconded by Roby to approve bid #3. All present voted aye by voice vote. The motion carried.

John Keyes, Program Manager for the Office of Right of Way, presented the following items for Commission consideration.

1. Keyes informed the Commission that item #1 (NH 0014(185)229, PCN 026Z, Hughes County) as shown in Attachment #5 was withdrawn from consideration. The item was a request for condemnation authorization, but the matter was settled the morning of the meeting. He thanked the many Department staff who worked to settle the matter.
2. Request Transportation Commission approval to abandon by resolution the following properties acquired for highway purposes:

Lot A in Lot H4, in the SE1/4 of the SE1/4 of Section 7, Township 4 North, Range 6 East of the B.H.M., Meade County, South Dakota.

The property is excess after construction of Project IM-FP 0901(195)32, PCN 021G and is no longer needed for highway purposes. Abandonment is recommended by DOT Rapid City Area.

A MOTION WAS MADE by Vehle and seconded by Rosenboom to approve the abandonment in Meade County as presented. All present voted aye by voice vote. The motion carried.

RESOLUTION #2024 – 7.1 was adopted.

3. Request Transportation Commission approval to abandon by resolution the temporary easements on Roberts County Project P-B 0127(07)231, PCN 05GY. This project was on SD127 from 5.2 miles to 5.6 miles east of SD106. Construction included approach grading and replacing of structures RCBC over creeks.
4. Request Transportation Commission approval to abandon by resolution the temporary easements on Yankton County Project NH 0081(69)2, PCN 3870. This project was on US81 from approximately 1 mile south of the north junction of US81 and SD50 North. Construction included grading, curb & gutter, paving, roadway lighting and signals.

A MOTION WAS MADE by Vallery and seconded by Simons to approve the abandonment of temporary easements in Robert and Yankton Counties. All present voted aye by voice vote. The motion carried.

RESOLUTIONS #2024 – 7.2 and 2024 – 7.3 were adopted.



Mark Leiferman, Program Manager for the Office of Project Development presented the following STIP revisions for the Commission’s information:

Leiferman noted that REV 24-044 was moved up because the Department received a federal RAISE discretionary grant for this project and the Department wants to get the money obligated sooner.

INFORMATIONAL REVISIONS FOR THE COMMISSION

(Work Type change, Cost update, Move Fiscal Year’s within the 4-year construction STIP)

REV 24-044 This revision advanced a FY2025 Urban Reconstruction project on US18 & Curb Ramp project on SD407 in Pine Ridge to FY2024 in the Rapid City Region. (Sequence # 643, Page 150 in the 2024-2027 STIP Book).

FY 2024 Plus \$12,079,000
FY 2025 Minus \$12,321,000

REV 24-SC-021 This revision split a FY2025 Interchange Reconstruction project into two projects to provide for the Pre-Purchase of the structural steel for the structure replacements on I229 N & S over Cliff Ave in Sioux Falls in the Mitchell Region. (Sequence #608, Page 144 in the 2024-2027 STIP Book).

FY 2025 No Change

REV 24-SC-022

This revision increased the cost and added lighting to a FY2024 Interstate ramp Closure Gate project on I90 at Exit 310 (US281) in Aurora County in the Mitchell Region. (Project added to the 2024-2027 STIP in January 2024 by REV 24-026).

FY 2024 Plus \$780,000

- Original = \$156,000; Updated = \$936,000

Kellie Beck, Director of Finance & Management, introduced Will Sutton of KFH Group, Inc. who presented the Human Services Public Transit Coordination Plan for South Dakota.

Jundt shared that the Department won a regional AASHTO award for the DDI project in Rapid City. The project will now be nominated for a national award based on this win.

Jundt reminded the Commission of the September *On the Road* meeting that will take place in Rapid City this year on September 24 – 25.

With no further business to come before the Commission, Chairman Jensen declared the meeting adjourned at 12:25 p.m. CT.

DRAFT

State Authorities/Boards/Commissions - Annual Disclosure Form

ATTACHMENT A

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Jafar Karim

Name of Board, Authority or Commission: Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized

State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

[add row](#)

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: 

Date: 7.18.2024

July 18, 2024

Lynn Jensen
Chairman, South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway
Pierre, SD 57501

RE: Conflict of Interest Disclosure

This letter is in reference to SDCL § 3-23-1 and § 3-23-2, and is intended to certify that neither I, my spouse, nor any entity in which we have an ownership interest derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation (SDDOT) and my involvement as an active SDDOT Commissioner.

I am employed by Black Hills Service Company, LLC ("BHSC"). While my employer is not party to any agreement that would require disclosure under South Dakota law, an electric utility affiliate of BHSC, Black Hills Power, Inc., may enter into agreements from time to time related to crossing South Dakota highways, or transmission right of way agreements. These agreements would occur in the normal course of business and generally do not involve the exchange of financial consideration.

Please be advised that I will continue to review the agenda items for upcoming SDDOT commission meetings and will be forthcoming in disclosing any potential conflict of interest, including any potential conflicts of interest involving my employer, or an affiliate of my employer.

Sincerely,



Jafar J. Karim
Commissioner
South Dakota Transportation Commission

CC: Joel Jundt, Secretary of Transportation, SDDOT
Karla Engle, Chief Legal Counsel, SDDOT

FRIEBERG, NELSON & ASK, L.L.P.

ATTORNEYS AT LAW

ROBERT B. FRIEBERG
THOMAS H. FRIEBERG
LARRY A. NELSON
BRENDA M. ASK
SAMUEL J. NELSON
AUSTIN J. FELTS

Sender's Address:
206 E. 5th Street
P.O. Box 38
Canton, SD 57013-0038

AUGUST FRIEBERG (1863-1932)
ROSCOE A. FRIEBERG (1903-1982)
BLAINE O. RUDOLPH (1925-2016)

PHONE: (605) 987-2686
FAX: (605) 987-5779
EMAIL: lnelson@frieberglaw.com

July 24, 2024

Joel Jundt, Secretary of Transportation
South Dakota Transportation Commission
South Dakota Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501

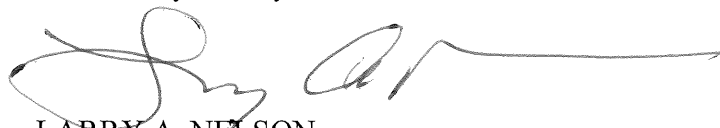
Re: *Conflict of Interest Disclosure*

Dear Secretary Jundt:

This letter is in response to SDCL § 3-23-1 and SDCL § 3-23-2, and is intended to address whether I, my wife, or any entity in which we have ownership interests derives any direct benefit from a contract or transaction with the State of South Dakota that specifically relates to the South Dakota Department of Transportation and my involvement as an active SDDOT Commissioner. I have enclosed the completed Annual Disclosure for Commission Member pursuant to SDCL Chapter 3-23.

I am employed with the law firm of Frieberg, Nelson & Ask, L.L.P. The law firm is providing legal services for the municipalities of Hartford, Worthing, Canton, Alcester, Beresford, Wakonda, Viborg, and Wagner, all of which are located in South Dakota. Should a situation arise with a SDDOT contract or transaction with any of these municipalities disclosure of any potential conflict will be made at that time.

I will continue to review the agenda items for upcoming Transportation Committee meetings and be forthcoming in any potential conflict of interest. Thank you for your consideration.



LARRY A. NELSON
Commissioner
South Dakota Transportation Commission

LAN/src
CC: Karla Engle, Chief of Legal Counsel, SDDOT

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: Larry A. Nelson

Name of Board, Authority or Commission: Transportation Commission

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

- 1) With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
- 2) With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
- 3) With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

- 1) The entity receives grant money from the State, either directly or by a pass-through grant or
- 2) The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed, if applicable

Attach additional pages, if necessary.

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	Lincoln County Rural Water Systems, Inc. & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by LCRW for legal services	1996 - Renews yearly
Hired Attorney	City of Canton, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1990 - Renews yearly
Hired Attorney	City of Worthing, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Worthing for legal services	1994 - Renews yearly
Hired Attorney	City of Hartford, South Dakota & Frieberg, Nelson & Ask, LLP, law firm	Hired Attorney paid by the City of Hartford for legal services	1996 - Renews yearly

Attach additional pages, if necessary.

Please see additional pages attached

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Hired Attorney	City of Beresford, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Beresford for legal services	1992 - Renews yearly
Hired Attorney	City of Alcester, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Alcester for legal services	2018 - Renews yearly
Hired Attorney	City of Wagner, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Wagner for legal services	2014 – Renews yearly
Hired Attorney	City of Wakonda, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Wakonda for legal services	2018 – Renews yearly
Hired Attorney	City of Vibrog, South Dakota & Frieberg, Nelson & Ask, law firm	Hired Attorney paid by the City of Viborg for legal services	2024 – as needed basis
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson, & The Economic Development Professionals Association	Hired lobbyist paid by The Economic Development Professionals Association for lobbying services.	2020 – original contract date, subsequent yearly renewals.
Hired Attorney	University of South Dakota School of Law & Frieberg, Nelson & Ask, law firm	Hired attorney to provide students with Legal Aid	2023-2024 school year
Clay County Court Appointments for criminal legal services	Austin J. Felts, of Frieberg, Nelson & Ask, LLP, and Clay County	Hired by Clay County as Court Appointed Attorney paid by Clay County for legal services to criminal defendants who cannot afford a retained attorney	2023- Renews yearly

2. **Contacts in which you have a direct benefit pursuant to SDCL Chapter 3-23** - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2, and 3-23-3.1.

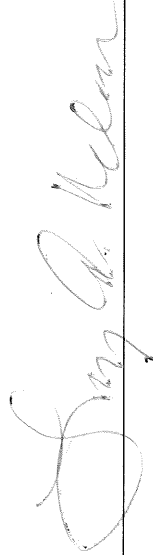
Description of the Contract	Parties	Description of the direct benefit	Date contract was authorized
Counsel for the Disciplinary Board of South Dakota Bar Association	Thomas H. Frieberg and South Dakota Bar Association	Hired by and paid by Disciplinary Board of South Dakota Bar Association, which Association receives money from the Attorney General's office	Hired June 2018 by President of the Board as determined by President of the Board
Hired Attorney	Thomas Frieberg of Frieberg, Nelson & Ask, LLP & Beresford School District	Hired Attorney paid by the Beresford School District	Firm has represented since approximately 1960 – Renews yearly
Legislative Contract Lobbyist	Larry A. Nelson, Samuel J. Nelson & Sioux Falls School District 49-5	Hired lobbyist paid by Sioux Falls School District 49-5 for lobbying services	2014 - original contract date, subsequent yearly renewals

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision

Attach additional pages, if necessary.

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.



Signature of Member: _____

Date: 7/24/2024

State Authorities/Boards/Commissions - Annual Disclosure Form

ATTACHMENT C

ANNUAL DISCLOSURE FOR AUTHORITY/BOARD/COMMISSION MEMBER
PURSUANT TO SDCL CHAPTER 3-23

THIS IS A PUBLIC DOCUMENT

Name of Member: AUSTIN SIMONS

Name of Board, Authority or Commission: SOUTH DAKOTA TRANSPORTATION COMMISSION

The Member shall disclose below any contract in which the Member has an interest or from which the Member derives a direct benefit if the contract is:

1. With the state agency to which the Member's board, authority or commission is attached for reporting or oversight purposes and which contract requires the expenditure of government funds;
2. With the state and which contract requires the approval of the Member's board, authority or commission and the expenditure of government funds; or
3. With a political subdivision of the state if the political subdivision approves the contract and:
 - a. Is under the regulatory oversight of the authority, board, or commission, or
 - b. Is under the regulatory oversight of the agency to which the Member's board, authority or commission is attached.

The Member shall disclose the contract even though no additional authorization is needed from the Member's board, authority or commission to have an interest or derive a benefit from the contract.

The Member shall also identify every entity in which the Member possesses an ownership interest of five percent or greater if:

1. The entity receives grant money from the State, either directly or by a pass-through grant or
2. The entity contracts with the State or any political subdivision for services.

1. Contracts in which you have an interest pursuant to SDCL Chapter 3-23 and which do not violate any other provision of law - Provide the following for each contract in which you have, or will have, an interest. For further information see SDCL 3-23-2.1 and 3-23-3.1.

Description of the contract	Parties	Description of your interest/role in the contract	Date contract was previously disclosed; if applicable
N/A		The company I own, Thorstenson Trucking, hauls hot oil for Jensen Rock & Sand, which occasionally bids on highway construction contract awards that are considered by the South Dakota Transportation Commission.	

add row

2. Contracts in which you have a direct benefit pursuant to SDCL Chapter 3-23 - Provide the following for each contract from which you derive, or will derive, a direct benefit. For more information see SDCL 3-23-2, 3-23-2.2 and 3-23-3.1.

Description of the contract	Parties	Description of the direct benefit	Date contract was authorized
N/A			

add row

3. Entities in which you possess an ownership interest of five percent or more that receive grant money from the State, either directly or by a pass-through grant, or that contract with the State or any political subdivision for services – Provide the following for each such entity. See SDCL 3-23-3.1.

Description of the contract or grant	Party in which you possess the interest	State agency or subdivision
N/A		

add row

The member shall complete a separate authorization request for any contract identified above that requires authorization from the Member's board, authority or commission in order for the Member to legally derive a direct benefit.

Signature of Member: 

Date: 7/22/24