

To Whom It May Concern,

I, Representative Jana Hunt, have been working and interacting with Darryl Smith after he informed me of the issues he has been having with the South Dakota Department of Transportation (SD DOT). The issues with the DOT are regarding the highway easement between the SD DOT and Mr. Smith. My original understanding of the main issue of the easement contract that was signed is that it did not clarify or communicate the use of over 18,000 square cubit yards of fill dirt. Mr. Smith had concerns with the lack of transparency that led to a belief that the DOT intentionally withheld information to decrease the compensation within the easement. After Mr. Smith had unsatisfactory outcomes during follow-up communications with the DOT, he reached out to me to carry legislation.

House Bill 1295 was legislation attempting to make sure this lack of communication didn't happen again. The bill was heard in front of the House Judiciary Committee. During testimony myself and the other members of the Judiciary Committee were specifically led to believe, by the testimony of the Secretary of the DOT that the Smiths were, in fact, going to be paid for the 18,000 square cubit yards of dirt via the contractor. The Secretary of the DOT testified that the state pays the contractor for the fill dirt and the contractor pays the land owner.

There was confusion with this testimony because leading up to this point the proponent testimony described how the cost of the 18,000 square cubit yards of fill dirt in the easement was not being justly compensated back to the land owners. When the Secretary gave his opponent testimony to HB1295, he explained that the state pays the contractors and the contractors pay the land owners. Representative Hughes, on behalf of the Judiciary Committee, asked clarifying questions to understand if the Smith's were being justly compensated for the fill dirt. The secretary's responses to Representative Hughes questions led me and others on the Judiciary Committee to conclude that the Smith's would be paid for the 18,000 square cubic yards of fill dirt in their current easement by the contractor's later on in the process.

I had conversations with members of the Judiciary Committee after the hearing and can testify that the understanding of the committee members was that the Smith's were going to be compensated for the 18,000 square cubic yards via the contractors as was testified by the Secretary of the DOT. In addition, the consensus of the Judiciary Committee was that there was much to be improved with the DOT's easement contracts and their communications with land owners.

Unfortunately, later communications with Mr. Smith revealed that the understanding the Judiciary Committee was led to believe was not what the DOT did. This miscommunication and confusion is highly disappointing and frustrating at the state level. The DOT had an opportunity during the Judiciary Committee hearing to clearly and concisely explain the issue rather than increase confusion and promote misinterpretation. Trust and confidence is being destroyed with every interaction the DOT has with the public. The DOT's lack of professional communications skills has led to further confusion and misinterpretation.

I hope that there is a significant improvement in the DOTs communication skills with South Dakotans, so that trust and confidence can be maintained.

Sincerely,

Jana Hunt

House of Representatives

Corson, Dewey, Perkins, and Ziebach counties