

Meeting Notice
SOUTH DAKOTA ATHLETIC COMMISSION
Best Western Plus Ramkota Hotel
3200 W. Maple Street, Sioux Falls
Amphitheatre I
April 20, 2018 11:00 a.m. CDT

Proposed Agenda

- A. Call to Order
- B. Approval of the Agenda
- C. Open Forum: 5 minutes for the public to address the Commission
- D. Approval of Meeting Minutes of January 26, 2018 and February 9, 2018
- E. Financial Report as of March 31, 2018
- F. **Executive Session** – Pursuant to SDCL 1-25-2(3) for consideration of proposed contested cases or contractual matters
- G. Old Business
 - 1) Records Retention Policy
 - 2) Update on MMA Event 2018-001 (DeSmet)
 - 3) Update on BOX Event 2018-002 (Deadwood)
 - 4) Update on MMA Event 2018-003 (Rapid City)
 - 5) Update on MMA Event 2018-004 (Watertown)
 - 6) Update on MMA Event 2018-005 (Sioux Falls)
- H. New Business
 - 1) Request for MMA Event on October 20, 2018 (Fury Fights, Inc.)
 - 2) Contest Fee Structure
 - 3) Executive Secretary Contract Renewal
- I. Other Business
- J. Announcements
- K. Next Meeting: August 17, 2018
- L. Adjourn

Meeting Minutes
SOUTH DAKOTA ATHLETIC COMMISSION
Via Teleconference
January 26, 2018 11:00 a.m. CST

Chairman Lohff called the meeting to order at 11:11 a.m. Stalley called the roll. A quorum was present.

Members Present via Telephone: Mike Kilmer, Lee Lohff, Richard Little, and Margaret Gillespie

Members Absent: Verle Valentine

Others Present: Jennifer Stalley, executive secretary, Amber Mulder, Department of Labor Legal Counsel, and Bonnie Jameson

Gillespie made a motion to approve the agenda. Kilmer seconded the motion. The Commission voted by roll call. Gillespie, Kilmer and Lohff voted aye. Little and Valentine were absent.

MOTION PASSED.

Lohff asked for any public comments. There were none.

Kilmer made a motion to approve the October 20, 2017 meeting minutes. Gillespie seconded the motion. The Commission voted by roll call. Gillespie, Kilmer and Lohff voted aye. Little and Valentine were absent. **MOTION PASSED.**

Gillespie made a motion to approve the December 31, 2017 financial statements. Kilmer seconded the motion. The Commission voted by roll call. Gillespie, Kilmer and Lohff voted aye. Little and Valentine were absent. **MOTION PASSED.**

Stalley provided the Commission with an update on the finalized changes to the administrative rules effective December 18, 2017. A full copy of the administrative rules is available online.

Stalley provided the Commission with a draft of the Commission's records retention policy. The policy will be presented at the April 20, 2018 meeting for Commission approval.

Kilmer made a motion to approve the event request by Knockout Events for a mixed martial arts event on March 2, 2018 in DeSmet on the condition the promoter complies with all Commission rules and deadlines. Gillespie seconded the motion. The Commission voted by roll call. Gillespie, Kilmer and Lohff voted aye. Little and Valentine were absent. **MOTION PASSED.**

Kilmer made a motion to approve the event request by Sparta Combat League for a mixed martial arts event on March 10, 2018 in Rapid City on the condition the promoter complies with all Commission rules and deadlines. Gillespie seconded the motion. The Commission voted by roll call. Gillespie, Kilmer and Lohff voted aye. Little and Valentine were absent. **MOTION PASSED.**

Gillespie made a motion to approve the event request by Fury Fights for a mixed martial arts event on April 7, 2018 in Watertown on the condition the promoter meets the following requirements: the approval is non-transferable to another promoter or owner; the promoter must provide security in the locker room area to ensure no ticket holders have access to the locker

rooms before or during the event; the promoter must provide one representative in each of the locker rooms for the duration of the event to assist contestants and be available to the Commission; the promoter must provide proof of all required insurance no later than 5:00 pm on March 30, 2018; the promoter must submit the proposed card for the event no later than 5:00 pm on March 30, 2018 and a signed contract for each contestant on the proposed card must accompany the proposed card; the promoter may not issue any VIP credentials that allow access to the locker rooms at any time before or during the event; the promoter must provide at least one person in each locker room who can assist in wrapping contestant's hands in compliance with the Commission's regulations; and the promoter must comply with all other Commission rules and deadlines. Kilmer seconded the motion. The Commission voted by roll call. Gillespie, Kilmer and Lohff voted aye. Little and Valentine were absent. **MOTION PASSED.**

Kilmer made a motion to renew the Commission's membership in the Association of Boxing Commissions. Gillespie seconded the motion. The Commission voted by roll call. Gillespie, Kilmer and Lohff voted aye. Little and Valentine were absent. **MOTION PASSED.**

Kilmer made a motion to approve the event request by DiBella Entertainment for a boxing event on March 9, 2018 in Deadwood on the condition the promoter submits the required fees for the event and for a promoter's license and complies with all Commission rules and deadlines. Gillespie seconded the motion. The Commission voted by roll call. Gillespie, Kilmer and Lohff voted aye. Little and Valentine were absent. **MOTION PASSED.**

Kilmer noted the Commission will meet next on April 20, 2018 at 11:00 am via teleconference.

Little made a motion to adjourn. Kilmer seconded the motion. The Commission voted by roll call. Little, Kilmer and Lohff voted aye. Gillespie and Valentine were absent. **MOTION PASSED.**

The meeting adjourned at 11:52 a.m.

Respectfully Submitted,

Richard Little, Secretary

Meeting Minutes
SOUTH DAKOTA ATHLETIC COMMISSION
Via Teleconference
February 9, 2018 2:00 p.m. CST

Chairman Lohff called the meeting to order at 2:02 p.m. Stalley called the roll. A quorum was present.

Members Present via Telephone: Lee Lohff, Mike Kilmer, and Verle Valentine

Members Absent: Richard Little and Margaret Gillespie

Others Present: Jennifer Stalley, executive secretary, and Amber Mulder, Department of Labor Legal Counsel

Kilmer made a motion to approve the agenda. Valentine seconded the motion. The Commission voted by roll call. Valentine, Kilmer and Lohff voted aye. Gillespie and Little were absent. **MOTION PASSED.**

Lohff asked for any public comments. There were none.

Valentine made a motion to approve the event request by Legacy Fighting Alliance for a mixed martial arts event on April 20, 2018 in Sioux Falls on the condition the promoter submits the required application and fees for the event and for a promoter's license and complies with all Commission rules and deadlines. Kilmer seconded the motion. The Commission voted by roll call. Valentine, Kilmer and Lohff voted aye. Gillespie and Little were absent. **MOTION PASSED.**

The Commission's next meeting is scheduled for April 20, 2018 at 11:00 am.

Kilmer made a motion to adjourn. Valentine seconded the motion. The Commission voted by roll call. Valentine, Kilmer and Lohff voted aye. Gillespie and Little were absent. **MOTION PASSED.**

The meeting adjourned at 2:09 p.m.

Respectfully Submitted,

Mike Kilmer, Vice Chairman

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1039 SOUTH DAKOTA ATHLETIC COMMISSION

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	1039000887	1140000	156,645.18	DR	BOXING COMMISSION FUND
COMPANY/SOURCE TOTAL 6503 887			156,645.18	DR *	
COMP/BUDG UNIT TOTAL 6503 1039			156,645.18	DR **	
BUDGET UNIT TOTAL 1039			156,645.18	DR ***	

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 03/31/2018

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO 6503					
COMPANY NAME PROFESSIONAL & LICENSING BOARDS					
1039000887	6503	4293070	PROMOTER LICENSE	.00	1,200.00
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		.00	1,200.00 *
1039000887	6503	4299080	EVENT FEE	2,000.00	12,793.16
1039000887	6503	4299081	CONTESTANT REGIST FEE	2,250.00	4,250.00
1039000887	6503	4299082	JUDGE REGISTRATION FEE	450.00	750.00
1039000887	6503	4299083	REFEREE REGISTRATION FEE	50.00	300.00
1039000887	6503	4299084	SECOND REGISTRATION FEE	1,725.00	3,200.00
1039000887	6503	4299085	TIMEKEEPER REGIST FEE	.00	75.00
1039000887	6503	4299087	AMATEUR EXEMPTION FEE	.00	100.00
ACCT:	4299	OTHER LIC, PRMITS, & FEES (NON-GOVERNMENTAL)		6,475.00	21,468.16 *
ACCT:	42	LICENSES, PERMITS & FEES		6,475.00	22,668.16 **
1039000887	6503	4920045	NONOPERATING REVENUES	.00	1,450.13
ACCT:	4920	NONOPERATING REVENUE		.00	1,450.13 *
ACCT:	49	OTHER REVENUE		.00	1,450.13 **
CNTR:	1039000887			6,475.00	24,118.29 ***
COMP:	6503			6,475.00	24,118.29 ****
B UNIT:	1039			6,475.00	24,118.29 *****

AVAILABLE FUNDS
AS OF: 03/31/2018
FY YEAR REMAINING: 25.2%
PAY DAYS REMAINING: 5

DATE 03/31/2018

BUDGET UNIT 1039

CENTER NAME SOUTH DAKOTA ATHLETIC COMMISSION

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	55,740.00	0.00	0.00	40,506.11	27,555.18	12,321.29-	156,645.18
BUDGETED TOT	55,740.00	0.00	0.00	40,506.11	27,555.18	12,321.29-	
ALL COMP TOT	55,740.00	0.00	0.00	40,506.11	27,555.18	12,321.29-	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES YEAR-TO-DATE	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	7,356.00	0.00	0.00	785.25	4,609.43	62.7
5102 EMPLOYEE BENEFITS	1,014.00	0.00	0.00	95.95	628.97	62.0
5203 TRAVEL	3,600.00	0.00	0.00	861.74	215.96-	0.0
5204 CONTRACTUAL SVCS	41,770.00	0.00	40,506.11	1,721.12	18,385.06-	0.0
5205 SUPPLIES & MATRLS	2,000.00	0.00	0.00	197.05	1,041.33	52.1
TOTALS	55,740.00	0.00	40,506.11	3,661.11	12,321.29-	0.0

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES YEAR-TO-DATE	BUDGET AVAILABLE	PCT AVL
5101000 EMPLOYEE SALARIES	7,356.00	0.00	0.00	785.25	4,609.43	62.7
5102000 EMPLOYEE BENEFITS	1,014.00	0.00	0.00	95.95	628.97	62.0
5203000 TRAVEL	3,600.00	0.00	0.00	861.74	215.96-	0.0
5204000 CONTRACTUAL SVCS	41,770.00	0.00	40,506.11	1,721.12	18,385.06-	0.0
5205000 SUPPLIES & MATRLS	2,000.00	0.00	0.00	197.05	1,041.33	52.1
PS SUBTOTALS	8,370.00	0.00	0.00	881.20	5,238.40	62.6
OE SUBTOTALS	47,370.00	0.00	40,506.11	2,779.91	17,559.69-	0.0
COMPANY 6503-I TOT	55,740.00	0.00	40,506.11	3,661.11	12,321.29-	0.0

STATE OF SOUTH DAKOTA
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
FOR PERIOD ENDING: 03/31/2018

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION
CENTER-5 10390 SD ATHLETIC COMMISSION

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
COMPANY NO 6503					
COMPANY NAME PROFESSIONAL & LICENSING BOARDS					
1039000887	6503	51010100	F-T EMP SAL & WAGES	125.25	886.57
1039000887	6503	51010300	BOARD & COMM MBRFS FEES	660.00	1,860.00
ACCT: 5101 EMPLOYEE SALARIES					
1039000887	6503	51020100	OASI-EMPLOYER'S SHARE	785.25	2,746.57
1039000887	6503	51020200	RETIREMENT-ER SHARE	70.77	225.39
1039000887	6503	51020600	HEALTH/LIFE INS.-ER SHARE	7.53	53.20
1039000887	6503	51020800	WORKER'S COMPENSATION	17.35	104.63
1039000887	6503	51020900	UNEMPLOYMENT COMPENSATION	.25	1.47
1039000887	6503	51020900	UNEMPLOYMENT COMPENSATION	.05	.34
ACCT: 5102 EMPLOYEE BENEFITS					
1039000887	51		PERSONAL SERVICES	95.95	385.03
1039000887	51		PERSONAL SERVICES	881.20	3,131.60
ACCT: 5203 TRAVEL					
1039000887	6503	52030200	AUTO PRIV (IN-ST.) L/RTE	.00	141.68
1039000887	6503	52030300	AUTO-PRIV (IN-ST.) H/RTE	525.84	1,732.08
1039000887	6503	52031000	LODGING/IN-STATE	119.90	406.80
1039000887	6503	52031200	INCIDENTALS-TRAVEL-IN ST.	10.00	10.00
1039000887	6503	52031400	TAXABLE MEALS/IN-STATE	141.00	204.00
1039000887	6503	52031500	NON-TAXABLE MEALS/IN-ST	75.00	231.00
1039000887	6503	52032300	AUTO-PRIV. (OUT-STATE) H/R	.00	40.32
1039000887	6503	52032600	AIR-COMM-OUT-OF-STATE	.00	388.40
1039000887	6503	52033000	LODGING/OUT-OF-STATE	.00	407.68
1039000887	6503	52033200	INCIDENTALS-OUT-OF-STATE	.00	50.00
1039000887	6503	52033500	NON-TAXABLE MEALS/OUT-ST	.00	204.00
ACCT: 5203 TRAVEL					
1039000887	6503	52040200	DUES & MEMBERSHIP FEES	861.74	3,815.96
1039000887	6503	52040900	MANAGEMENT CONSULTANT	.00	200.00
1039000887	6503	52041600	WORKSHOP REGISTRATION FEE	1,569.75	16,679.71
1039000887	6503	52042000	CENTRAL SERVICES	.00	100.00
1039000887	6503	52043600	ADVERTISING-NEWSPAPER	67.78	1,329.59
1039000887	6503	52045300	TELECOMMUNICATIONS SRVCS	.00	610.09
1039000887	6503	52049600	OTHER CONTRACTUAL SERVICE	83.59	199.40
1039000887	6503	52049600	OTHER CONTRACTUAL SERVICE	.00	530.16
ACCT: 5204 CONTRACTUAL SERVICES					
1039000887	6503	52050280	OFFICE SUPPLIES	1,721.12	19,648.95
1039000887	6503	52053500	POSTAGE	187.37	216.10
1039000887	6503	52053500	POSTAGE	9.68	742.57
ACCT: 5205 SUPPLIES & MATERIALS					
1039000887	6503	5228000	OPER TRANS OUT -NON BUDGT	197.05	958.67
1039000887	6503	5228000	OPER TRANS OUT -NON BUDGT	13.40	112.63
ACCT: 5228 NONOP EXP/NONBGTD OP TR					
1039000887	52		OPERATING EXPENSES	13.40	112.63
1039000887	52		OPERATING EXPENSES	2,793.31	24,536.21
COMP: 6503 PROFESSIONAL & LICENSING BOARDS					
				3,674.51	27,667.81

STATE OF SOUTH DAKOTA
MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT
FOR PERIOD ENDING: 03/31/2018

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION
CENTER-5 10390 SD ATHLETIC COMMISSION

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
CENTER: 1039000887				3,674.51	27,667.81
B UNIT: 1039				3,674.51	27,667.81

STATE OF SOUTH DAKOTA
MONTHLY EXPENDITURE REPORT
FOR PERIOD ENDING: 03/31/2018

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1039 SOUTH DAKOTA ATHLETIC COMMISSION
CENTER-5 10390 SD ATHLETIC COMMISSION

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/ CR
COMPANY NO 6503										
COMPANY NAME PROFESSIONAL & LICENSING BOARDS										
6503	1039000887	51010100	CGEX180227	03/02/2018					61.27	DR
6503	1039000887	51010100	CGEX180328	03/31/2018					63.98	DR
OBJSUB: 5101010 F-T EMP SAL & WAGES										
6503	1039000887	51010300	CGEX180227	03/02/2018					125.25	DR *
6503	1039000887	51010300	CGEX180313	03/16/2018					180.00	DR
6503	1039000887	51010300	CGEX180328	03/31/2018					240.00	DR
6503	1039000887	51010300	CGEX180328	03/31/2018					240.00	DR
OBJSUB: 5101030 BOARD & COMM MBR'S FEES										
OBJECT: 5101 EMPLOYEE SALARIES										
6503	1039000887	51020100	CGEX180227	03/02/2018					660.00	DR *
6503	1039000887	51020100	CGEX180313	03/16/2018					785.25	DR **
6503	1039000887	51020100	CGEX180328	03/21/2018	481526				18.44	DR
6503	1039000887	51020100	CGEX180328	03/31/2018					18.36	DR
6503	1039000887	51020100	CGEX180328	03/31/2018					1.15	DR
6503	1039000887	51020100	CGEX180329	03/31/2018	489632				23.18	DR
6503	1039000887	51020100	CGEX180329	03/31/2018	489645				7.34	DR
6503	1039000887	51020100	CGEX180329	03/31/2018					2.30	DR
OBJSUB: 5102010 OASI-EMPLOYER'S SHARE										
6503	1039000887	51020200	CGEX180227	03/02/2018					70.77	DR *
6503	1039000887	51020200	CGEX180328	03/31/2018					3.67	DR
6503	1039000887	51020200	CGEX180328	03/31/2018					3.86	DR
OBJSUB: 5102020 RETIREMENT-ER SHARE										
6503	1039000887	51020600	CGEX180227	03/02/2018					7.53	DR *
6503	1039000887	51020600	CGEX180328	03/31/2018					7.03	DR
6503	1039000887	51020600	CGEX180328	03/31/2018					10.32	DR
OBJSUB: 5102060 HEALTH/LIFE INS.-ER SHARE										
6503	1039000887	51020800	CGEX180227	03/02/2018					17.35	DR *
6503	1039000887	51020800	CGEX180328	03/31/2018					.11	DR
6503	1039000887	51020800	CGEX180328	03/31/2018					.14	DR
OBJSUB: 5102080 WORKER'S COMPENSATION										
6503	1039000887	51020900	CGEX180227	03/02/2018					.25	DR *
6503	1039000887	51020900	CGEX180328	03/31/2018					.03	DR
6503	1039000887	51020900	CGEX180328	03/31/2018					.02	DR
OBJSUB: 5102090 UNEMPLOYMENT COMPENSATION										
OBJECT: 5102 EMPLOYEE BENEFITS										
GROUP: 51 PERSONAL SERVICES										
6503	1039000887	52030300	CGEX180320	03/21/2018	481526				95.95	DR **
6503	1039000887	52030300	CGEX180322	03/23/2018	483359				881.20	DR ***
6503	1039000887	52030300	CGEX180329	03/31/2018	489632				82.32	DR
6503	1039000887	52030300	CGEX180329	03/31/2018	489645				103.32	DR
6503	1039000887	52030300	CGEX180329	03/31/2018	489645				52.92	DR
OBJSUB: 5203030 AUTO-PRIV (IN-ST.) H/RTE										
6503	1039000887	52031000	CGEX180322	03/23/2018	483359				525.84	DR *
6503	1039000887	52031000	CGEX180322	03/23/2018	483359				119.90	DR
OBJSUB: 5203100 LODGING/IN-STATE										
6503	1039000887	52031400	CGEX180320	03/21/2018	481526				119.90	DR *
6503	1039000887	52031400	CGEX180320	03/21/2018	481526				15.00	DR



SOUTH DAKOTA
ATHLETIC COMMISSION

RECORDS RETENTION AND
DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF
EXECUTIVE MANAGEMENT

BUREAU OF
ADMINISTRATION

PBM 01234

RECORDS MANAGEMENT PROGRAM
104 South Garfield
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: (605) 773-3589

MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE:

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that "No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value."

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

South Dakota Codified Laws:

1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

1-27-1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

1-27-9. Records management programs--Definition of terms. Terms used in §§ 1-27-9 to 1-27-18, inclusive, mean:

(2) "Record," a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

1-27-11. Board to supervise destruction of records--State records manager as ex officio member--Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record may be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of the board that the record has no further administrative, legal, fiscal, research, or historical value.

1-27-15. Destruction of non-record materials. Any non-record material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

Definitions:

Superseded: To take the place of; replace.

Obsolete: No longer in use.

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AC-1. ADMINISTRATIVE REFERENCE FILES:

!@#\$

This series contains information used in the daily administration of the Commission. Information may include, but is not limited to: equipment, inventory, mailing lists, monthly reports, research materials, reference manuals, rules and regulations, property management information, logs, and other related information. This record series is maintained for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Review files on a yearly basis to avoid build-up of superseded or obsolete materials.)

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AC-2. ADMINISTRATIVE RULES PROMULGATION FILES:

!@#S

This series is arranged by subject matter and contains administrative rules promulgation files. Information may include: notices of public hearings, affidavits of publication of notices, written comment from the public, transcripts of hearings, and final decisions. Files have little reference activity once the hearing has been held unless someone requests a copy of the transcript. This record series is maintained for documenting the proper promulgation of administrative rules pursuant to SDCL 1-26.

RETENTION: FINAL DECISIONS: Retain permanently in office.

ALL OTHER DOCUMENTATION: Retain in office for as long as rules are in effect, then destroy.

(Note: SDCL 1-26-7 states in part that "each agency shall keep the original records, documents, and instruments required by the chapter." There is no time frame included for these records. Since SDCL 1-26-6.8 provided that "No rule is enforceable in the courts unless properly adopted," the records must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL 1-26a-2, which cures all defects in the adoption of rules appearing in the 1974 printed ARSD.)

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AC-3. ANNUAL REPORTS:

!@#S

This series is arranged chronologically and contains the originals of all annual reports written by the Commission to summarize their activities for the previous year. Information may include: number of licenses issued, number of inspections conducted (if applicable), number of violations noted, man hours, time reports, and other related information. A copy of this report is filed annually with the Department of Labor and Regulation. This record series is used for reference to compare activities from year to year.

RETENTION: Retain 4 years in office, then destroy.

AC-4. ASSOCIATION AND ORGANIZATION FILES:

!@#S

This series is arranged chronologically and contains current correspondence and newsletters from professional associations and/or organizations to which the Athletic Commission belongs. Information may include: minutes of association meetings, conference agendas, expense reports, participants names, and other State's athletic commission legislation. This record series is used for reference purposes concerning ideas and policies suggested and used by these associations.

RETENTION: Retain 4 years in office, then destroy.

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AC-5. AUDIT REPORTS:

!@#S

This series is arranged chronologically and contains Legislative Audit reports concerning the expenditure and administration of funds. Information may include: cover letters, statement of assets, revenues and expenditures, change of fund cash balances, and observations and recommendations. This record series is maintained for identifying problem areas and discrepancies so that corrective measures may be implemented.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Legislative Audit maintains the reports permanently.)

AC-6. BOARD MEETING FILES:

!@#S

This series is arranged chronologically by meeting date and may contain handout material and agenda items to be discussed at the next Board meeting. Information may include: date, time and location of the meeting, items under old business, items under new business, financial information, handouts, and any licensure related issues. This record series is used to determine the course of the board meetings.

RETENTION: Retain current in office. Destroy superseded or obsolete once the meeting minutes have been approved.

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AC-7. BOARD MEMBER FILES:

!@#S

This series is arranged alphabetically and contains information regarding individual Board members. Information may include: letters of appointment, terms, expiration dates, payroll information, rosters, and correspondence. This record series is maintained to document member appointments to the Athletic Commission and any related information pertaining to each.

RETENTION: Retain 4 years after termination, then destroy.

AC-8. BUDGET FILES:

!@#S

This series is arranged chronologically and may contain the information used to prepare the yearly budget request. Information may include: budget requests, operating budgets balance sheets, budget projections, projected salaries, dispersions, and other related information. This record series is used throughout the year in monitoring program activities and for preparing new budget requests.

RETENTION: Retain 4 years in office, then destroy.

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AC-9. COMPLAINT FILES:

!@#S

This series contains all related correspondence received from either the general public or initiated by the Athletic Commission concerning problems which have occurred with licensee or registrant. Information may include: nature of the complaint, related correspondence, investigation of the allegation, conclusion of the investigation, and related materials. This record series is used by the Commission to determine if a complaint is substantiated and if so, to take corrective action.

RETENTION: Retain 50 years, then destroy.

AC-10. CONTRACTS, LEASES, AND AGREEMENTS:

!@#S

This series may contain contracts, leases, and agreements between the Athletic Commission and other parties. Information may include: terms and conditions of the contracts and agreements, effective dates, costs, and funding sources. This record series is maintained for reference and audit purposes.

RETENTION: Retain current in office. Destroy 6 years after terminated provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: SDCL 1-24A-1 requires consulting contracts be filed with the State Auditor.)

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AC-11. CORRESPONDENCE, GENERAL:

!@#S

This series is arranged chronologically and contains both copies of letters and memorandums sent, and originals of letters and memorandums received. The information is used for occasional reference and documentation pertaining to regulatory questions.

RETENTION: Retain 1 year in office, then destroy.

AC-12. DEPOSITS:

!@#S

This series contains deposit slips submitted with receipts. Information may include: date, account number, an itemized list of who have paid license fees, receipt numbers, amounts, and total amount deposited. This record series is maintained for audit purposes to verify that all deposits were made.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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AC-13. ELECTRONIC COMMUNICATION RECORDS:

!@#

This series may contain e-mail messages, voicemail messages, recorded telephone conversations, instant messages, etc. created or received by employees of the agency.

RETENTION: Determine the record status of the message based on the content. If the message is an official record made or received pursuant to law or in connection with the transaction of official business, the retention period should be covered by an existing record series in the respective agency's retention manual. It is permissible to print record e-mails and file them with like paper records.

NON-RECORD MESSAGES: Retain until action has been taken, then destroy or delete.

AC-14. ELECTRONIC EVENT FILES:

!@#

This series is arranged numerically and documents requirements for an approved boxing, kickboxing or mixed martial arts event. Information may include: original event application, promoter contact information, officials assigned to the event, proof of insurance, proof of venue, proof of ambulance service, notice of contest for event, event results, contestant suspension letters, financial report and fee calculation forms, proof of event fee payment, and correspondence related to the event.

RETENTION: Retain 50 years after event, then delete.

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AC-15. ELECTRONIC REGISTRATION/LICENSEE DATABASE:

!@#S

This series is arranged by year and category and documents personal data for licensed or registered contestants, physicians, referees, judges, timekeepers, matchmakers, managers and promoters. Information may include: name, address, e-mail, phone and date of birth. This record series is used to verify the contestants, physicians, referees, judges, timekeepers, matchmakers, managers and promoters eligible to take part in a boxing, kickboxing or mixed martial arts event.

RETENTION: Retain 50 years after license or registration expiration, then delete.

AC-16. EVENT FILES:

!@#S

This series is arranged numerically and documents requirements for an approved boxing, kickboxing or mixed martial arts event. Information may include: original event application, promoter contact information, officials assigned to the event, proof of insurance, proof of venue, proof of ambulance service, notice of contest for event, event results, contestant suspension letters, financial report and fee calculation forms, proof of event fee payment, and correspondence related to the event.

RETENTION: Retain paper files in office 5 years after the event, then destroy.

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AC-17. EXEMPTION FILES:

!@#S

This series is arranged alphabetically and documents requests for exemptions to the boxing, kickboxing or mixed martial arts statutes and administrative rules. Information may include: original exemption application, proof of payment of fees, notice of approval or denial of request, and documentation of any conditions placed on an exemption approval.

RETENTION: Retain 5 years in office, then destroy.

AC-18. EXPENSE FILES:

!@#S

This series contains itemized listings of all expenses incurred by Board members. Information may include: name, dates, type of expenditures, amounts, and totals. This record series is used for support and documentation of vouchers submitted for payment.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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AC-19. FINANCIAL STATEMENTS:

!@#S

Financial statements provide an overview of the agency's financial condition for a given year. Information may include: balance sheets, statement of revenues, expenditures, and changes in fund balances (budgeted and actual); statement of fixed assets; summary of significant accounting procedures; supplemental information and working papers. This record series is maintained for reference and audit purposes.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

AC-20. JOB TICKETS, CENTRAL DUPLICATING:

!@#S

This series is arranged numerically contains the printing requisition as submitted by the Commission. Information may include: agency code, agency name, mailing address, submitted by, job description, date sent, date needed, number of pages, quantity of copies, printing specifications, and description. The information is used to ensure accurate completion of the request.

RETENTION: Retain 4 years in office, then destroy.

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AC-21. LEGISLATION FILES:

!@#S

This series is arranged chronologically and constitutes the Commission's central file of all proposed legislation and legislation from previous years. Information may include: resource materials, bill tracking printouts, copies of House and Senate bills, preliminary bill drafts, and the final drafts of proposed legislation. This record series is used for bill drafting, submission, and tracking during the legislative session.

RETENTION: Retain current in office. Destroy superseded or obsolete.

AC-22. OPEN RECORDS REQUESTS:

!@#S

This series contains open record requests received by agencies. Information may include: open records request, correspondence, denial letters, and supporting documentation. This series is maintained to document the outcome of requests and for reference purposes. Denial letters are maintained pursuant to SDCL 1-27-1.4.

RETENTION: DENIAL LETTERS: Retain permanently.

ALL OTHER INFORMATION: Retain 4 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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AC-23. POLICIES AND POSITIONS:

!@#S

This series is arranged by topic and contains the current policies and positions implemented by the Commission. Information may include the Commission's position or interpretation on issues and policies, and date of implementation or adoption. This record series is used to determine the proper course of action to take in certain situations.

RETENTION: Retain current in office. Destroy superseded or obsolete.

AC-24. MINUTES, ATHLETIC COMMISSION:

!@#S

This series is arranged chronologically and contains the official minutes of the Commission meetings. Information may include: dates of meetings, members present, topics discussed, actions taken, and the signature of the secretary. This record series is used for occasional reference and documentation purposes.

RETENTION: Retain 4 years in office, then scan paper and convert digital images to microfilm. Maintain images and microfilm permanently.

AC-25. RECEIPTS:

!@#S

This series contains receipts used to documents the receipt of money. Information may include: date money was received, amount received, funds and accounts to be credited, the amount to be credited, and signature of the person receiving the money. This record series is maintained for audit purposes.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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AC-26. RECORDS MANAGEMENT FILES:

!@#S

This series contains records management information. Information may include: copies of the standard records transfer receipt forms, Records Retention and Destruction Schedule (RRDS), copies of microfilm project registration forms, inventory listings, and microfilm and box destruction authorization forms. This record series is maintained for tracking records sent to Records Management storage, to document the time each record series must be legally maintained, and to document authorization granted to RM for destruction of obsolete records.

RETENTION: DESTRUCTION AUTHORIZATION FORMS:
 Retain 4 years in office, then destroy.

ALL OTHER INFORMATION: Retain current in office. Destroy superseded or obsolete.

AC-27. REGISTRATION/LICENSEE FILES:

!@#S

This series is arranged alphabetically and documents personal data for active contestants, physicians, referees, judges, timekeepers, matchmakers, managers and promoters. Information may include: original applications for registration or license, medical examinations, bloodwork results, suspension letters (contestants), assignment letters (physicians, referees, judges, timekeepers, and matchmakers) and proof of qualification for registration or license. This record series is used to document the contestants, physicians, referees, judges, timekeepers, matchmakers, managers and promoters eligible to take part in a boxing, kickboxing or mixed martial arts event.

RETENTION: Retain paper files in office 1 year after license expiration, then destroy.

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AC-28. SOUTH DAKOTA FINANCIAL SYSTEM REPORTS:

!@#S

These daily, weekly, monthly**, and year-end ** reports are used to monitor and reconcile fiscal year receipts and expenditures. Information is maintained by the Finance Officer and may include: revenue and journal voucher reports*, open purchase order reports, available funds reports*, revenue analysis reports, state general ledger trail balance*, company general ledger trial balance*, expenditure reports*, bank reconciliation reports*, employee receivable reports*, warrant register reports*, encumbrance detail reports*, accounts payable reports*, projects reports*, cash center reports*, object/sub-object reports*, budget adjustments reports, Special Bureau of Administration revenue reports, agency funds activity reports*, company 8,000 trail balance by center*, encumbrance balance report*, and special travel expenditure reports. This record series is maintained for audit purposes.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: the asterisk (*) indicates reports maintained permanently by the Bureau of Finance and Management. (**) Many of the June monthly reports serve as the year-end reports.)

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AC-29. SURPLUS PROPERTY FILES:

!@#S

This series contains the form submitted to the director of South Dakota Property Management for approval to dispose of State-owned personal property and the written notification received from Property Management designating the manner of disposal. Information may include: agency name; date; address or location of property; phone number; name of individual requesting; Property Management Officer's name; description of item(s); quantity; serial number; equipment number; desired method of disposal as authorized; reason for declaring property as surplus; estimate of current value; suggested selling price; minimum acceptable price; statement of content; fixed asset number, if applicable; and any other information deemed necessary. This record series is maintained pursuant to SDCL 5-24A.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

AC-30. VOUCHERS:

!@#S

This series may contain copies of direct vouchers, receiving vouchers, non-cash vouchers, travel vouchers, and journal vouchers, along with copies of any supporting invoices or receipts. Vouchers are used to enter transactions on the central accounting system.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

Contest Fees

42-12-10. Promulgation of rules. The commission shall promulgate rules, pursuant to chapter 1-26, to:

- (1) Govern the conduct of boxing, kickboxing, and mixed martial arts competitions, and sparring exhibitions;
- (2) Establish registration criteria and registration fees for all boxers, kickboxers, and mixed martial artists who participate in competitions and sparring exhibitions governed by the commission;
- (3) Establish license criteria and license fees for all promoters, managers, and matchmakers of boxing, kickboxing, or mixed martial arts competitions;
- (4) Establish registration requirements for all boxing, kickboxing, or mixed martial arts competitions or sparring exhibitions held in the state;
- (5) Establish the written records to be maintained for all competitions and sparring exhibitions conducted in the state;
- (6) Establish a fee based on the percentage of gross revenues from any boxing, kickboxing, or mixed martial arts competition or sparring exhibition held in the state. The fee established under this subdivision may not exceed five percent of the gross revenues of the exhibition from any and all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax. However, the commission may establish and impose a minimum exhibition fee not to exceed five thousand dollars to cover the expenses of the South Dakota Athletic Commission;
- (7) Establish criteria for approved bona fide educational institutions or national amateur boxing, kickboxing, or mixed martial arts associations for purposes of being exempted from the provisions of this chapter;
- (8) Establish procedures for disciplinary proceedings; and
- (9) Establish procedures for receiving and conducting complaint investigations.

20:81:02:03. Contest fees. For each approved contest, the promoter shall pay a fee of three thousand dollars or five percent of the gross revenue of the contest, whichever is greater. At the time of application to register a contest, the promoter applying for registration shall submit a fee of one thousand dollars. The fee is refundable if the application is denied. If the application is approved, the submitted fee shall be applied to the remaining contest fee owed to the commission.

The commission shall provide forms for the calculation and payment of contest fees due to the commission based on the gross revenue of the contest as set forth in § 20:81:07:05.

The promoter shall pay the remaining contest fee due to the commission within thirty days of the completion of the event.

Source: 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016; SL 2016, ch 213, § 2, effective July 1, 2016.

General Authority: SDCL 42-12-10(6).

Law Implemented: SDCL 42-12-10(6).

20:81:07:05. Gross revenue. Gross revenues from a bout or contest means any and all revenues, from whatever source derived or received by any promoter, or other principal, on account of any particular bout or contest, including any revenues received from any advance ticket sales, gate receipts, promotional or advertising consideration, and from any internet, television, or pay-per-view telecasts of such bout or contest, exclusive of any federal tax thereon.

Each promoter, or other principal, liable for the gross revenue fee shall provide an accounting to the commission on a form prescribed by the commission not later than thirty days from the date of the bout or contest, prepared by the promoter or by a certified public accountant on behalf of the promoter using generally accepted accounting principles, which detail the source and amount of each component of gross revenues and contains a calculation showing the amount owed to the commission. Any source documents or records used by the promoter or the certified public accountant in preparing the accounting must be made immediately available to the commission, upon request, for verification.

The gross revenue fee due thereon must be remitted to the commission not later than thirty days from the date of the bout or contest. Any promoter or other principals involved in the receipt of moneys or the staging of the contest are jointly and severally liable for the gross revenue fee provided for by this section.

Any promoter who fails to calculate or remit the gross revenue fee, as required, is subject to an immediate suspension of the promoter's license until the delinquent accounting or fee is submitted to the commission or until a hearing requested by the promoter is conducted and concluded by the commission.

The accounting provided by the promoter is subject to audit by the commission. The promoter shall maintain the accounting and any documentation necessary to prepare the accounting for a period of not less than three years.

Source: 41 SDR 7, effective July 28, 2014; 42 SDR 101, effective January 7, 2016.

General Authority: SDCL 42-12-10(5).

Law Implemented: SDCL 42-12-10(5).