



2023 South Dakota Legislature

Senate Bill 22

Introduced by: The Committee on Commerce and Energy at the request of the Department of Labor and Regulation

1 **An Act to streamline examination reports.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 58-3-12 be AMENDED:**

4 **58-3-12.** No later than sixty days following completion of the examination, the
 5 examiner in charge shall file with the division a written report of examination under oath.
 6 Upon receipt of the report, the division shall transmit the report to the company examined.
 7 The company may make a written submission or rebuttal with respect to any matters
 8 contained in the examination report within thirty days of transmittal of the report.

9 Within thirty days of ~~the end of the period allowed for the receipt of~~ written
 10 submissions or rebuttals, if any, the director shall fully consider and review the report,
 11 together with any written submissions or rebuttals and any relevant portions of the
 12 examiner's work papers, and enter an order:

- 13 (1) Adopting the examination report as filed or with modification or corrections. If the
 14 examination report reveals that the company is operating in violation of any law,
 15 regulation or prior order of the director, the director may order the company to
 16 take any action the director considers necessary and appropriate to cure the
 17 violation;
- 18 (2) Rejecting the examination report with directions to the examiners to reopen the
 19 examination for purposes of obtaining additional data, documentation, or
 20 information, and refile pursuant to the procedures in subdivision (1) for the initial
 21 report; or
- 22 (3) Calling for an investigatory hearing with no less than twenty days' notice to the
 23 company for purposes of obtaining additional documentation, data, information,
 24 and testimony.