



SOUTH DAKOTA REGISTER

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FILINGS WITH THE LEGISLATIVE RESEARCH COUNCIL

Notice of Proposed Rules

Date in parentheses indicates when rules were filed with the Legislative Research Council.
Copies of proposed rules may be obtained for no charge at <https://rules.sd.gov> or from the agency directly.

State Board of Elections (Office of the Secretary of State): (February 9, 2023) intends to amend a rule to update the voter registration form in accordance with Rosebud Sioux Tribe, et. al. v. Steve Barnett, in his official capacity as Secretary of State, et. al. CIV. No. 5:20-CV-5058 (D.S.D. May 17, 2022). The general authority for these rules, as cited by the board, is SDCL 12-1-9.

A public hearing will be held in the Secretary of State Business Office, 215 East Prospect Avenue, Pierre, South Dakota, on March 15, 2023, at 1:30 p.m. (CT). Copies of the proposed rules may be obtained without charge from the State Board of Elections, 500 East Capitol Avenue, Pierre, South Dakota 57501, or at <https://sdsos.gov>. Written comments may be sent to State Board of Elections, 500 East Capitol Avenue, Pierre, South Dakota 57501 or emailed to elections@state.sd.us. Material sent by mail or email must reach the board seventy-two hours before the date of the hearing. This hearing is being held in a physically accessible location. Persons with special needs for which the board can make arrangements may call (605) 773-3537 at least 48 hours before the public hearing.

Notice

The **Department of Social Services** intends to make a change to the Medicaid State Plan regarding Former Foster Care Children as required by Section 1002(a) of the SUPPORT Act. The State will cover former foster children who have aged out of foster care in another state, are now a resident of South Dakota, are currently seeking Medicaid coverage, and meet the following requirements: are under age 26; are not enrolled in an eligibility group described in section 1902(a)(10)(A)(i)(I)-(VII) of the Act (even if they meet the eligibility requirements for such group); were in foster care under the responsibility of any state upon attaining age 18 (or such higher age as the state has elected in its Title IV-E plan); and were enrolled in Medicaid in any state while in such foster care. The proposed State Plan Amendment (SPA) adds the Former Foster Care Children to the Mandatory Eligibility Groups MACPro pages. The department intends to make the SPA effective January 1, 2023 and estimates there will be no fiscal impact in Federal Fiscal Year 2023 and Federal Fiscal Year 2024 as these individuals would otherwise be eligible for coverage under the state's 1115 demonstration for this population.

The SPA is available to view on the department's website at <http://dss.sd.gov/medicaid/medicaidstateplan.aspx>. Copies of the proposed SPA pages are also available at the Department of Social Services, Division of Medical Services. Written requests for a copy of these changes, and corresponding comments may be sent to Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291, or emailed to MedicaidSPA@state.sd.us. The public comment period will start February 13, 2023, and end March 15, 2023.

FILINGS WITH THE OFFICE OF THE SECRETARY OF STATE

Executive Order

Governor Noem has signed [Executive Order 2023-03](#), dated February 9, 2023, pursuant to Chapter [34-48A](#), declaring a state of disaster to exist in the following counties: Bennett, Brookings, Clark, Day, Deuel, Hamlin, Jackson, Jones, Kingsbury, Mellette, Oglala Lakota, Potter, Roberts, Stanley, Todd, and Tripp. The Order is in response to recent winter storms in the state which caused blizzard conditions; widespread hazardous travel conditions and road closures due to icy and impassable highways and roads; damage to the power infrastructure; unexpected costs for snow removal; and interruptions to the normal flow of emergency, school, mail, and commerce traffic. The Order, which will be in effect for three months from the date of its signing unless further extended by a subsequent executive order, also declared that federal resources "are needed to help alleviate the impacts of the storms for State, tribal, and local governments."

SCHEDULED PUBLIC HEARINGS

2-23-2023	Department of Transportation : Amend rules to revise the escort vehicle requirements for extra-width vehicles on certain state trunk highways in and around the Black Hills and change the approved routes for longer combination vehicles on the state trunk highway system; 49 SDR 68, February 6, 2023.
3-15-2023	State Board of Elections (Office of the Secretary of State) : Amend a rule to update the voter registration form in accordance with Rosebud Sioux Tribe, et. al. v. Steve Barnett, in his official capacity as Secretary of State, et. al. CIV. No. 5:20-CV-5058 (D.S.D. May 17, 2022); 49 SDR 70, February 13, 2023.

RULES REVIEW COMMITTEE MEETINGS

The Interim Rules Review Committee has completed its meeting schedule for the 2022 Interim. Find notices of committee meetings in this publication, on the [LRC website](#), and at the Capitol.

The Drafting Manual for Administrative Rules in South Dakota is available on the [Administrative Rules Manual page](#) of the LRC website and is updated regularly to reflect changes in drafting styles and procedures.