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**RECEIVED**

APR 26 2024

**SD Secretary of State**

**MARTY J. JACKLEY**  
ATTORNEY GENERAL

**BRENT K. KEMPEMA**  
CHIEF DEPUTY

April 26, 2024

Honorable Monae L. Johnson  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

RE: Draft Attorney General's Statement (An Amendment to the South Dakota Constitution Authorizing the State to Impose a Work Requirement on Individuals Eligible for Expanded Medicaid Benefits)

Dear Secretary Johnson,

Enclosed submitted to our office is a copy of SJR 501, in final form, through which the Legislature has proposed an amendment to the state Constitution. The proposed amendment will be decided upon by the voters at the next general election. In accordance with state law, I hereby file the enclosed *draft* Attorney General's Statement for the purposes of receiving public comment on the same.

By copy of this letter, I am providing a copy of the *draft* Statement to the Legislative Research Council.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marty J. Jackley".

Marty J. Jackley  
ATTORNEY GENERAL

MJJ/dd  
Enc.

Filed this 26<sup>th</sup> day of

April 2024

A handwritten signature in black ink, appearing to read "Monae L. Johnson".

**SECRETARY OF STATE**

Cc/encl: John McCullough Legislative Research Council

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APR 26 2024

SD Secretary of State

CONSTITUTIONAL AMENDMENT

DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Amendment to the South Dakota Constitution Authorizing the State to Impose a Work Requirement on Individuals Eligible for Expanded Medicaid Benefits

Explanation:

The Medicaid program is funded by the State and the federal government to provide medical coverage for certain low-income people who qualify for the program. In 2022, the voters approved a Constitutional provision that expanded Medicaid eligibility for any person over age 18 and under 65 whose income is at or below 133% of the federal poverty level, plus 5% of the federal poverty level for the applicable family size.

This constitutional amendment authorizes the State to impose work requirements on any person eligible to receive benefits under the expanded Medicaid program, except for those persons who are physically or mentally disabled. The amendment does not identify any specific work requirement that may be imposed on those receiving expanded Medicaid benefits. Any work requirement proposed by the State must be approved by the federal government prior to implementation.

Filed this 26<sup>th</sup> day of

April 2024

*Monae L. Johnson*

SECRETARY OF STATE





2024 South Dakota Legislature  
**Senate Joint Resolution 501**

**ENROLLED**

**RECEIVED**

APR 26 2024

AN ACT

SD Secretary of State

**A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election, an amendment to the Constitution of the State of South Dakota, authorizing the state to impose work requirements on certain individuals who are eligible for expanded Medicaid.**

**Section 1.** That at the next general election held in the state, the following amendment to Article XXI, § 10 of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

**Section 2. That Article XXI, § 10 of the Constitution of the State of South Dakota, be AMENDED:**

Beginning July 1, 2023, the State of South Dakota shall provide Medicaid benefits to any person over eighteen and under sixty-five whose income is at or below one hundred thirty-three percent of the federal poverty level plus five percent of the federal poverty level for the applicable family size, as authorized by federal law as of January 1, 2021. Such person shall receive coverage that meets or exceeds the benchmark or benchmark-equivalent coverage requirements, as such terms are defined by federal law as of January 1, 2021.

The State of South Dakota may not impose greater or additional burdens or restrictions on eligibility or enrollment standards, methodologies, or practices on any person eligible under this section than on any person otherwise eligible for Medicaid under South Dakota law, except that the State of South Dakota may, to the extent permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, impose a work requirement on any person, eligible under this section, who has not been diagnosed as being physically or mentally disabled.

Filed this 26<sup>th</sup> day of

April 2024

*Monae L. Johnson*

SECRETARY OF STATE

KT

No later than March 1, 2023, the Department of Social Services shall submit all state plan amendments necessary to implement this section to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

The State of South Dakota shall take all actions necessary to maximize the federal financial medical assistance percentage in funding medical assistance pursuant to this section.

This section shall be broadly construed to accomplish its purposes and intents. If any provision in this section or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the section that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this section are severable.

Filed this \_\_\_\_\_ day of \_\_\_\_\_

*Morgan L. Johnson*

SJR501 ENROLLED  
SECRETARY OF STATE

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A JOINT RESOLUTION, Proposing and submitting to the voters at the next general election, an amendment to the Constitution of the State of South Dakota, authorizing the state to impose work requirements on certain individuals who are eligible for expanded Medicaid.

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I certify that the attached Resolution originated in the:

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

Senate as Joint Resolution No. 501

at 3:54 Filed February 29, 2024  
o'clock A.M.

*Leszy Laurence*  
Secretary of the Senate

*Frank D. Hudson*  
President of the Senate

*Monae L. Johnson*  
Secretary of State

Attest:

By \_\_\_\_\_  
Asst. Secretary of State

*Leszy Laurence*  
Secretary of the Senate

*Hyatt M. Benson*  
Speaker of the House

Attest:

*Patricia Miller*  
Chief Clerk

Senate Joint Resolution No. 501

File No. \_\_\_\_\_  
Chapter No. 110