

2023 South Dakota Legislature
House Joint Resolution 5004

**AMENDMENT HJR5004A
FOR THE INTRODUCED RESOLUTION**

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

5 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF SOUTH
6 DAKOTA, THE SENATE CONCURRING THEREIN:

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

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

13 Beginning July 1, 2023, the State of South Dakota shall provide Medicaid benefits
14 to any person over eighteen and under sixty-five whose income is at or below one hundred
15 thirty-three percent of the federal poverty level plus five percent of the federal poverty
16 level for the applicable family size, as authorized by federal law as of January 1, 2021.
17 Such person shall receive coverage that meets or exceeds the benchmark or benchmark-
18 equivalent coverage requirements, as such terms are defined by federal law as of January
19 1, 2021.

20 The State of South Dakota may not impose greater or additional burdens or
21 restrictions on eligibility or enrollment standards, methodologies, or practices on any
22 person eligible under this section than on any person otherwise eligible for Medicaid under
23 South Dakota law, except that the State of South Dakota may, to the extent permitted by
24 the United States Department of Health and Human Services, Centers for Medicare and
25 Medicaid Services, impose a work requirement on any person, eligible under this section,
26 who is able-bodied.

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

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

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