

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1037

Introduced by

Legislative Council

(Budget Committee on Home and Community Care)

(Representatives Boucher, Price, Kerzman)  
(Senators Thane, Sand, Lindaas)

1 A BILL for an Act to create and enact section 50-06-14.4 of the North Dakota Century Code,  
2 relating to projects involving services for the alzheimer's and related dementia population; to  
3 amend and reenact the new section to chapter 23-09.3 and the new section to chapter 23-16 of  
4 the North Dakota Century Code as created by sections 2 and 3 of chapter 254 of the 1995  
5 Session Laws, relating to a moratorium on basic care and long-term care bed capacity; and to  
6 declare an emergency.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 **SECTION 1. AMENDMENT.** The new section to chapter 23-09.3 of the North Dakota  
9 Century Code as created by section 2 of chapter 254 of the 1995 Session Laws is amended  
10 and reenacted as follows:

11 **Moratorium on expansion of basic care bed capacity.** ~~During the period after~~  
12 ~~July 31, 1995, and before August 1, 1997, Except when existing beds are converted for use by~~  
13 ~~the alzheimer's and related dementia population under the projects provided for in section~~  
14 ~~50-06-14.4, the state department of health and consolidated laboratories may not issue a~~  
15 ~~license under this chapter for any additional bed capacity unless the expanded bed capacity~~  
16 ~~was approved by the health council under chapter 23-17.2 before August 1, 1995 above the~~  
17 ~~state's gross capacity of one thousand four hundred seventy-one beds during the period~~  
18 ~~between August 1, 1997, and July 31, 1999.~~

19 **SECTION 2. AMENDMENT.** The new section to chapter 23-16 of the North Dakota  
20 Century Code as created by section 3 of chapter 254 of the 1995 Session Laws is amended  
21 and reenacted as follows:

22 **Moratorium on expansion of long-term care bed capacity.** Notwithstanding sections  
23 23-16-06 and 23-16-10, ~~during the period after July 31, 1995, and before August 1, 1997~~  
24 ~~except when existing beds are converted for use by the alzheimer's and related dementia~~

1 population under the projects provided for in section 50-06-14.4, the state department of health  
2 ~~and consolidated laboratories~~ may not issue a license for any additional bed capacity ~~unless~~  
3 ~~the expanded bed capacity was approved by the health council under chapter 23-17.2 before~~  
4 August 1, 1995 above the state's gross capacity of seven thousand one hundred twenty-four  
5 beds during the period between August 1, 1997, and July 31, 1999.

6       **SECTION 3.** Section 50-06-14.4 of the North Dakota Century Code is created and  
7 enacted as follows:

8       **50-06-14.4. Alzheimer's and related dementia projects.** The department of human  
9 services shall establish projects designed to meet the service needs of the alzheimer's and  
10 related dementia population. The projects established under this section must explore the  
11 financial and service viability of converting existing nursing facility or basic care capacity to a  
12 specific service environment that targets the alzheimer's and related dementia population. The  
13 state department of health shall cooperate with the department to ensure the success of the  
14 projects. The projects may be established notwithstanding subsections 2, 5, 10, and 11 and  
15 subdivision c of subsection 9 of section 50-24.5-01, relating to definitions for aid to aged, blind,  
16 and disabled persons, and subsection 1 of section 23-09.3-01, relating to the definition of a  
17 basic care facility.

18       **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.