

Fifty-seventh  
Legislative Assembly  
of North Dakota

## REENGROSSED SENATE BILL NO. 2098

Introduced by

Human Services Committee

(At the request of the Indian Affairs Commission)

1 A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North  
2 Dakota Century Code, relating to the moratorium on expansion of basic and long-term care bed  
3 capacity.

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

5 **SECTION 1. AMENDMENT.** Section 23-09.3-01.1 of the 1999 Supplement to the  
6 North Dakota Century Code is amended and reenacted as follows:

7 **23-09.3-01.1. Moratorium on expansion of basic care bed capacity.** ~~Except when~~  
8 ~~existing beds are converted for use by the alzheimer's and related dementia population under~~  
9 ~~the projects provided for in section 50-06-14.4, the department may not issue a license under~~  
10 ~~this chapter for any additional bed capacity above the state's gross licensed capacity of one~~  
11 ~~thousand four hundred seventy one beds, adjusted by any reduction in beds before July 31,~~  
12 ~~1999, during the period between August 1, 1999, and July 31, 2001. Transfers of existing beds~~  
13 ~~from one municipality to another municipality must be approved if the licensing requirements~~  
14 ~~are met, during the period August 1, 1999, to July 31, 2001, only to the extent that for each bed~~  
15 ~~transfer approved the total number of licensed beds in the state is reduced by the same~~  
16 ~~number transferred. Existing licensed beds released by a facility which are not immediately~~  
17 ~~transferred to another facility may not be banked for future transfer to another facility. The state~~  
18 ~~department of health may not issue a license for any additional bed capacity. Transfer of~~  
19 ~~existing beds may occur to the extent that for each bed transferred, one is reduced by the same~~  
20 ~~number. Existing licensed beds released by any facility and transferred to a tribal facility must~~  
21 ~~become licensed within eighteen months of transfer. Purchasing of facilities is not subject to~~  
22 ~~the two for one transfer provision.~~

23 **SECTION 2. AMENDMENT.** Section 23-16-01.1 of the 1999 Supplement to the North  
24 Dakota Century Code is amended and reenacted as follows:

1           **23-16-01.1. Moratorium on expansion of long-term care bed capacity.**  
2   Notwithstanding ~~sections section~~ 23-16-06 and ~~23-16-10~~, except when existing beds are  
3   ~~converted for use by the alzheimer's and related dementia population under the projects~~  
4   ~~provided for in section 50-06-14.4~~, the state department of health may not issue a license for  
5   any additional bed capacity ~~above the state's gross licensed capacity of seven thousand one~~  
6   ~~hundred forty beds, adjusted by any reduction in beds before July 31, 1999, during the period~~  
7   ~~between August 1, 1999, and July 31, 2001. Transfers. Transfer of existing beds from one~~  
8   ~~municipality to another municipality must be approved if the department of health licensing~~  
9   ~~requirements are met, during the period August 1, 1999, to July 31, 2001, only may occur to~~  
10   the extent that for each bed ~~transfer approved the total number of licensed beds in the state~~  
11   ~~transferred, one is reduced by the same number ~~transferred~~. Existing licensed beds released~~  
12   ~~by a facility which are not immediately and transferred to another facility may not be banked for~~  
13   ~~future transfer to another facility must become licensed within eighteen months of transfer.~~  
14   Purchasing of facilities is not subject to the two for one transfer provision.