

Sixty-first  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1453

Introduced by

Representatives R. Kelsch, Porter

Senator Cook

1 A BILL for an Act to create and enact a new section to chapter 54-21.3 of the North Dakota  
2 Century Code, relating to wheelchair accessibility of businesses that receive state or local  
3 economic development funds; and to provide for application.

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

5 **SECTION 1.** A new section to chapter 54-21.3 of the North Dakota Century Code is  
6 created and enacted as follows:

7 **Business incentives - Wheelchair-accessible buildings.**

- 8 1. If a business receives a business incentive with a value of at least one hundred  
9 thousand dollars from the state or a political subdivision which is used in whole or  
10 in part for construction of a building, the public use portions of the building must be  
11 wheelchair-accessible.
- 12 2. A recipient of a business incentive may request a complete or partial waiver from  
13 the wheelchair-accessibility requirements under this section. A recipient of a state  
14 business incentive may petition the department of commerce for a waiver and a  
15 recipient of a political subdivision business incentive may petition the governing  
16 body of the political subdivision for a waiver. The department of commerce or  
17 governing body of a political subdivision may grant a waiver if the act of making the  
18 public use portions of a building wheelchair-accessible would be structurally or  
19 economically imprudent.
- 20 3. As used in this section:
- 21 a. "Business incentive" means a state or political subdivision direct cash  
22 transfer, loan, or equity investment; contribution of property or infrastructure;  
23 reduction or deferral of any tax or any fee; guarantee of any payment under

1                    any loan, lease, or other obligation; or preferential use of government facilities  
2                    given to a business.

3                    b. "Wheelchair-accessible" includes electronic doors, ramps, and ramp curbing.

4                    **SECTION 2. APPLICATION.** This Act applies to business incentives awarded after  
5 July 31, 2009.