

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1158

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 retail 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 created
6 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 in
10 part for construction of a building, the public use portions of the retail portions of that
11 building must be accessible to individuals who use wheelchairs.
- 12 2. A recipient of a business incentive may request a complete or partial waiver from the
13 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 body
16 of the political subdivision for a waiver. The department of commerce or governing
17 body of a political subdivision may grant a waiver if the act of making the public use
18 portions of the building wheelchair-accessible would be structurally or economically
19 imprudent.
- 20 3. As used in this section:
- 21 a. "Business incentive" means a state or political subdivision direct cash transfer,
22 loan, or equity investment; contribution of property or infrastructure; reduction or
23 deferral of any tax or any fee; guarantee of any payment under any loan, lease,

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

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

4 **SECTION 2. APPLICATION.** This Act applies to business incentives awarded after July 31,
5 2011.