

# PUBLIC BUILDINGS

## CHAPTER 493

HOUSE BILL NO. 1694  
(Strinden)

(Approved by Committee on Delayed Bills)

### PUBLIC FACILITY ACCESSIBILITY BY HANDICAPPED

AN ACT to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to making public buildings and facilities accessible and usable by the physically handicapped.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 48-02-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-19. PUBLIC BUILDINGS AND FACILITIES TO BE USABLE BY PHYSICALLY HANDICAPPED - DUTIES OF CONSTRUCTION SUPERINTENDENT.) All public buildings and facilities constructed, in whole or in part, from funds of the state or of its political subdivisions shall be accessible to, and usable by, the physically handicapped in accordance with the provisions of this section by July 1, 1979 1981, with the following exceptions:

1. Institutions under the supervision and control of the board of higher education, provided, however, that at least two institutions of higher education shall be so constructed or remodeled so as to make all programs offered therein accessible as required in this section.
2. Areas, offices, or levels of public buildings not used for activities open to members of the general public.

The state construction superintendent, after consultation with the state board of architecture, shall promulgate rules and regulations for agencies and institutions of the state and its political subdivisions to follow in making public buildings and facilities reasonably accessible and usable by the physically handicapped. The state construction superintendent, in preparing and promulgating such the rules, shall give full consideration to the rules and regulations recommended in and provided by the American standard specifications (A117.1-1961) approved October 31, 1961, by the American standards association, and future amendments thereto. Such

The rules and regulations promulgated by the state construction superintendent shall be issued in accordance with chapter 28-32. The state construction superintendent shall by July 1, 1980 prepare a statement showing:

1. A listing and description of the regular uses of each public building operated by counties, cities and agencies of the state of North Dakota.
2. A description of the degree of compliance of each listed public building with the accessibility standards promulgated under this section.
3. A description of the action planned to bring public buildings into accessibility compliance, with an estimate of the costs projected for the planned action, and an estimate of the cost of bringing the public building into full compliance.

In preparing such statement, the superintendent shall seek cooperation from the state agencies, the political subdivisions, and from any organizations and groups working to enhance the interests of the handicapped. The state construction superintendent shall annually revise and update such the rules and regulations. No state agency or institution shall construct a building or facility unless the state construction superintendent determines that the plans and specifications for such the building or facility are in conformity with the standards provided-in promulgated pursuant to this section. Governing bodies of political subdivisions shall require a statement from the person or persons preparing the plans and specifications for the building or facility that such the plans and specifications are in conformance with the provisions of this section or that exceptions to the section have been granted by the state construction superintendent. Any exceptions granted to a governing body shall be made a part of the motion or resolution of approval of the drawings and specifications by the governing body and shall be recorded in the minutes of the meeting where such the approval is given. Adequate space for the physically handicapped to park automobiles near the facility without the necessity of crossing a street to reach such the facility shall be provided. All parking spaces reserved for use by motor vehicles operated by or for physically handicapped persons shall be designated by blue paint on the curb or edge of the paved portion of the parking space. All city curbs and crosswalks at principal intersections in the vicinity of public buildings shall be made usable to persons in wheelchairs. In cases of practical difficulty, unnecessary hardship, or extreme differences, the state construction superintendent may grant exceptions within the limits of legislative appropriation, from the literal requirements of the standards provided by this section or permit the use of other methods or materials, or, in the case of existing multiple-story buildings, provide such access to only one floor. The state construction superintendent shall notify each state agency, county and city, if the proposed actions constitute a reasonable effort toward compliance. The notice of reasonable compliance shall be an exception granted from full compliance required under this Act. The exception shall be valid for a period of two years from the date of issuance.

Approved April 3, 1979

# CHAPTER 494

HOUSE BILL NO. 1117  
(Committee on State and Federal Government)  
(At the request of the  
Capitol Grounds Planning Commission)

## CAPITOL BUILDING FUND

AN ACT to amend and reenact section 48-10-02 of the North Dakota Century Code, relating to the authority of the capitol grounds planning commission with respect to the capitol building fund, and making an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 48-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-10-02. CAPITOL BUILDING FUND TO BE ADMINISTERED BY THE CAPITOL GROUNDS PLANNING COMMISSION - PROCEDURE FOR EXPENDITURE OF CERTAIN FUNDS ~~DEDICATED--FOR--USE--TO--CONSTRUCT--LEGISLATIVE--WING.)~~ Notwithstanding any other provision of law, the The capitol grounds planning commission, ~~acting through the state land commissioner and the state land department,~~ shall have general powers to superintend the administration of the capitol building fund, its interest and income fund, and its investments and properties. It may cause any lands now held in such funds to be sold at market value, direct the conversion of any securities now held by such funds to cash, approve expenditures from such funds subject to law and legislative appropriations, and to do all other things necessary to carry out the intent and purposes of this section. The board of university and school lands, or its designee, on the commission's behalf, shall see to the investment and management of the capitol building fund and its interest and income fund, and shall account to the commission concerning these funds at the commission's request.

Provided further, all moneys and other property ~~and the income therefrom~~ in the capitol building fund, except as otherwise appropriated, are hereby dedicated and reserved to the exclusive purpose of the construction of an addition to the legislative wing of the state capitol building, and the capitol grounds planning commission shall take necessary steps to accumulate and conserve the money and property ~~and the income therefrom~~ in the capitol building fund for such purpose.

The commission may, during any biennium, expend from the interest and income fund of the capitol building fund a sum not to exceed fifty percent of the unencumbered balance on the first day of any biennium, and such amount is hereby appropriated to the capitol grounds planning commission. The expenditure may be made, after consideration of the capitol grounds master plan, for projects or planning but shall not exceed fifty thousand dollars per biennium. The expenditure may only be made upon approval by two-thirds of the total membership of the commission. The expenditure shall be made upon a voucher, or vouchers, prepared by the legislative council staff at the direction of the commission.

Approved March 19, 1979