

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

House Bill 887 (Delegate Montague)

Commerce and Government Matters

Buildings - Public Access - Facilities to Accommodate Children and Elderly Persons

This bill requires plans and specifications for the construction of any “publicly funded” building, structure, or improved area to which there is “public access” to provide “facilities to accommodate the needs of children and elderly persons”. Such facilities include play areas, restrooms with appropriate facilities for diaper changes, rest areas with comfortable seating, protective railings, fences and gates, and any other elements of design that accommodate the needs of children and the elderly. The bill requires the Board of Public Works (BPW), through the Department of General Services (DGS), to publish minimum standards for facilities to accommodate the needs of children and elderly persons in buildings. DGS is responsible for enforcement if any State funds are used or construction is on State-owned land.

The bill must be construed only prospectively.

Fiscal Summary

State Effect: Indeterminate but potentially significant increase in expenditures. Revenues would not be affected.

Local Effect: Indeterminate but potentially significant increase in expenditures. Revenues would not be affected.

Small Business Effect: Potential meaningful.

Fiscal Analysis

State Expenditures: DGS advises that based on the estimated \$1.175 billion in capital improvements for State-owned facilities over the next five years, excluding transportation projects, expenditures could increase by \$5-\$10 million per year, or approximately 2-4% of total costs. This assumes that the bill would affect major renovations and alterations to existing structures as well as newly constructed facilities.

Legislative Services advises that because public access is defined as open to the general public for recreational, educational, cultural, entertainment, or other “reasonable public purpose,” the number of buildings that would be affected by the bill depends on what is determined to be a reasonable public purpose. In addition, the actual effect of the bill depends on the regulations adopted by BPW, which may not require facilities for children and elderly persons in any part of a building that is not open to or used by the general public.

The bill specifies that DGS is responsible for enforcement if any State funds are used or if construction is on State-owned land. Currently, the management of design and construction for the University System of Maryland, Morgan State University, St. Mary’s College, and the Department of Public Safety and Correctional Services are the responsibility of the using agency. DGS would thus need to hire additional design review and construction inspection personnel for enforcement.

Local Expenditures: Local expenditures for construction could be affected as discussed above.

Small Business Effect: Small businesses that receive additional business related to increased expenditures associated with the bill would benefit.

Information Source(s): Department of General Services; Board of Public Works; Department of Transportation; Department of Health and Mental Hygiene; Department of Budget and Management; Office of the Secretary of State; Calvert, Caroline, Harford, Howard, and Prince George’s counties; City of Salisbury

Fiscal Note History: First Reader - March 16, 1998

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