

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
191-37 (COR)	William A. Parkinson	AN ACT TO ADD A NEW CHAPTER 81 OF DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ALL GOVERNMENT OF GUAM LEASED OFFICES TO BE ADA COMPLIANT AND TO CITE THIS ACT THE "GOVERNMENT OF GUAM ADA COMPLIANCE ACT OF 2023.	10/19/23 9:41 a.m.	10/23/23	Committee on General Government Operations and Appropriations	Request: 10/23/23 11/1/23			



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

November 1, 2023

To: **Joaquin P. Taitague**
Substitute Clerk of the Legislature

From: **Senator Chris Barnett** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 191-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 191-37 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.




**Bureau of Budget & Management Research
Fiscal Note of Bill No. 191-37 (COR)**

BILL NO. 191-37 (COR) IS "AN ACT TO AD A NEW CHAPTER 81 OF DIVISION 2, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ALL GOVERNMENT OF GUAM LEASED OFFICES TO BE ADA COMPLIANT AND TO CITE THIS ACT THE GOVERNMENT OF GUAM ADA COMPLIANCE ACT OF 2023"

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Integrated Services for Individuals with Disabilities	Dept./Agency Head: Michelle Perez, Director
Department's General Fund (GF) appropriation(s) to date:	\$ 1,367,903.00
Department's Other Fund (Healthy Futures Fund) appropriation(s) to date:	\$ 4,991,762.00
Total Department/Agency Appropriation(s) to date:	\$6,359,665

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2023 Unreserved Fund Balance		\$0	\$0
FY 2024 Adopted Revenues	\$0	\$0	\$0
FY 2024 Appro. (P.L. 37-42)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2024 (if applicable)	FY 2025	FY 2026	FY 2027	FY 2028
General Fund	1/	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	1/	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? // Yes /X/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A // Yes / / No
If no, what is the additional amount required? \$ _____ /X/ N/A
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/ / Requested agency comments not received by due date / / Other: 

Analyst: <u>Katherine Parkinson-Borja</u>	Date: <u>10/27/23</u>	Director: <u>Lester L. Carlson, Jr.</u>	Date: <u>NOV 01 2023</u>
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Notes:
See attached comments.

Bureau of Budget & Management Research
Comments on Bill No. 191-37 (COR)

In order to ensure that government leased offices are in compliance with the standards set forth in the Americans with Disabilities Act (ADA), the proposed legislation seeks to require all government leased offices in Guam, whether leased by federal, territorial, or local government agencies to comply with the accessibility standards outlined in the ADA, ADA Accessibility Guidelines (ADAAG) and the 2010 ADA standards for Accessible Design. The Bill, which is cited as The Government of Guam Compliance Act of 2023, shall require agencies and departments that are leasing office spaces to conduct accessibility assessments and make necessary modifications to the leased office space to ensure compliance with the ADA accessibility standards by developing and implementing an Accessibility Compliance Plan. The Accessibility Compliance Plan should include a timeline for completing necessary modifications to bring the leased office space into ADA compliance and shall be submitted to the Department of Integrated Service for Individuals with Disabilities (DISID) for review and approval. The proposed legislation also indicates that agencies and departments shall allocate necessary funds in their budget to implement the Accessibility Compliance Plan; and shall require agencies and departments leasing office spaces to annually transmit a written report on the progress of accessibility to the Speaker of *I Liheslaturan Guåhan*. The proposed legislation also provides DISID with the authority to investigate complaints regarding non-compliance and recommend appropriate actions. DISID shall also monitor agencies and department's compliance with the proposed legislation and may also provide technical assistance to agencies and departments to achieve compliance.

According to the DISID, they do not have the staff or funding to implement Bill 191-37 if it becomes law. It is imperative to ensure that DISID is adequately funded if this Bill is passed so that the agency can comply with the mandated responsibilities that the Bill will place on it.

DISID would need to hire at least seven (7) staff to start up this Division in order to meet the requirements and guidelines under the Government of Guam ADA Compliance Act. In addition, computers, two vehicles, supplies and materials, would need to be purchased to meet their operational needs. In light of the above, an approximate amount of \$600,000 is needed to fund this new division and its operations in the first year with the cost increasing annually for salary increments, etc.

The Bill will have a cost impact on government funds because the standards and requirement set forth in the Bill require staff with specialized training and/or knowledge relative to facilitating ADA compliance. The positions that are likely needed by DISID and applicable agencies and departments to implement the requirements of the proposed Bill are an ADA Coordinator and an ADA Administrator. The annual salary of an ADA Coordinator is \$49,731 and the annual salary of an ADA Administrator is \$67,696. Further, the proposed legislation does not identify a fund source to adequately fund the Division that DISID would need to establish or the staff to implement the requirements detailed in the Bill. Lastly, the Bill requires applicable agencies and departments to allocate funding to achieve compliance, which was not budgeted for in FY 2024.