

### Fiscal Estimate - 2009 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>09-0830/1</b>	<b>Introduction Number</b> <b>SB-019</b>
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**Description**  
 Liability of the state for a violation of the federal Family and Medical Leave Act of 1993, Fair Labor Standards Act, or Age Discrimination in Employment Act of 1967 or of Title I of the federal Americans with Disabilities Act of 1990.

**Fiscal Effect**

**State:**

<input type="checkbox"/> No State Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Decrease Costs	

**Local:**

<input type="checkbox"/> No Local Government Costs	5. Types of Local Government Units Affected	
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts	
1. <input type="checkbox"/> Increase Costs	3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs	4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	

<b>Fund Sources Affected</b>	<b>Affected Ch. 20 Appropriations</b>
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input checked="" type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	

<b>Agency/Prepared By</b> DOA/ Dawn Soletski (608) 266-6497	<b>Authorized Signature</b> Martha Kerner (608) 266-1359	<b>Date</b> 2/4/2009
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## Fiscal Estimate Narratives

DOA 2/4/2009

LRB Number <b>09-0830/1</b>	Introduction Number <b>SB-019</b>	Estimate Type <b>Original</b>
<b>Description</b> Liability of the state for a violation of the federal Family and Medical Leave Act of 1993, Fair Labor Standards Act, or Age Discrimination in Employment Act of 1967 or of Title I of the federal Americans with Disabilities Act of 1990.		

### Assumptions Used in Arriving at Fiscal Estimate

If enacted, this bill would waive the state's sovereign immunity for violations against the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination in Employment Act of 1967 (ADEA), the Fair Labor Standards Act (FLSA), and the federal Family and Medical Leave Act of 1993 (FMLA). The bill provides that the state may be sued in a federal or state court of competent jurisdiction for a violation of the ADA, the ADEA, the FLSA, or the FMLA and is liable for all remedies that are available for such a violation to the same extent that a public entity other than a state is liable.

In 1996, the U.S. Supreme Court, in the case *Seminole v Florida*, ruled that the federal government had limitations on what it could impose upon states that did not waive their sovereign immunity. This decision provided the state with immunity from some claims under ADA, ADEA, FLSA, and FMLA. The state is still subject to being sued under its own statutes.

Based on Department of Justice estimates of claims activities prior to 1996, it is projected that enactment of this bill would impact the Risk Management fund by \$1.5 million annually.

### Long-Range Fiscal Implications

Estimate of \$1.5 million annually subject to inflation.

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

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<b>Description</b> Liability of the state for a violation of the federal Family and Medical Leave Act of 1993, Fair Labor Standards Act, or Age Discrimination in Employment Act of 1967 or of Title I of the federal Americans with Disabilities Act of 1990.			
<b>i. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>ii. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes	\$	\$	
(FTE Position Changes)			
State Operations - Other Costs	1,500,000		
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>	<b>\$1,500,000</b>	<b>\$</b>	
<b>B. State Costs by Source of Funds</b>			
GPR			
FED			
PRO/PRS	1,500,000		
SEG/SEG-S			
<b>iii. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
	Increased Rev	Decreased Rev	
GPR Taxes	\$	\$	
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>	
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	State	Local	
NET CHANGE IN COSTS	\$1,500,000	\$	
NET CHANGE IN REVENUE	\$	\$	
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DOA/ Dawn Soletski (608) 266-6497		Martha Kerner (608) 266-1359	2/4/2009