

Fiscal Estimate - 2007 Session

Original Updated Corrected Supplemental

LRB Number 07-4022/1	Introduction Number SB-461	
Description Liability of the state for a violation of the federal Family and Medical Leave Act of 1993, Fair Labor Standards Act, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.		
Fiscal Effect		
State:		
<input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local:		
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Counties <input type="checkbox"/> Others 0 <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected		
<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		
Affected Ch. 20 Appropriations		
Agency/Prepared By	Authorized Signature	Date
DOA/ Nancy Foss (608) 266-5877	Martha Kerner (608) 266-1359	2/26/2008

Fiscal Estimate Narratives

DOA 2/26/2008

LRB Number	07-4022/1	Introduction Number	SB-461	Estimate Type	Original
Description Liability of the state for a violation of the federal Family and Medical Leave Act of 1993, Fair Labor Standards Act, the Age Discrimination in Employment Act of 1967, and Title I of the 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 - 2007 Session

Detailed Estimate of Annual Fiscal Effect

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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, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.			
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):			
II. Annualized Costs:		Annualized Fiscal Impact on funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
	State Operations - Salaries and Fringes	\$	\$
	(FTE Position Changes)		
	State Operations - Other Costs	1,500,000	
	Local Assistance		
	Aids to Individuals or Organizations		
	TOTAL State Costs by Category	\$1,500,000	\$
B. State Costs by Source of Funds			
	GPR		
	FED		
	PRO/PRS	1,500,000	
	SEG/SEG-S		
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
		Increased Rev	Decreased Rev
	GPR Taxes	\$	\$
	GPR Earned		
	FED		
	PRO/PRS		
	SEG/SEG-S		
	TOTAL State Revenues	\$	\$
NET ANNUALIZED FISCAL IMPACT			
		<u>State</u>	<u>Local</u>
	NET CHANGE IN COSTS	\$1,500,000	\$
	NET CHANGE IN REVENUE	\$	\$
Agency/Prepared By		Authorized Signature	Date
DOA/ Nancy Foss (608) 266-5877		Martha Kerner (608) 266-1359	2/26/2008