



**Fiscal Estimate Narratives**  
**DOA 2/16/2009**

LRB Number	<b>09-0157/1</b>	Introduction Number	<b>AB-0036</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 \$2 million annually.

**Long-Range Fiscal Implications**

Estimate of \$2 million annually subject to inflation.

## Fiscal Estimate Worksheet - 2009 Session

Detailed Estimate of Annual Fiscal Effect

Original     
  Updated     
  Corrected     
  Supplemental

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<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	2,000,000	
Local Assistance		
Aids to Individuals or Organizations		
<b>TOTAL State Costs by Category</b>	<b>\$2,000,000</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>		
GPR		
FED		
PRO/PRS	2,000,000	
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, ets.)</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	\$2,000,000	\$
NET CHANGE IN REVENUE	\$	\$
<b>Agency/Prepared By</b>		
<b>Authorized Signature</b>		<b>Date</b>
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		2/16/2009