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## FISCAL IMPACT REPORT

SPONSOR: Picraux DATE TYPED: 03/07/01 HB HM 19  
 SHORT TITLE: Examine U.S. Supreme Court ADA Decision SB \_\_\_\_\_  
 ANALYST: Chabot

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	NFI				

### SOURCES OF INFORMATION

LFC Files  
 Governor’s Committee on Concerns of the Handicapped (GCCH)

### SUMMARY

#### Synopsis of Bill

A memorial resolving that GCCH lead an interagency effort with the Vocational Rehabilitation Division of the State Department of Public Education, the Attorney General and the Human Rights Commission to determine the impact of the U.S. Supreme Court decision in *University of Alabama v. Garrett*. Findings and proposed legislation determined by the interagency effort are to be presented to the Courts and Criminal Justice interim committee during the October 2001 meeting.

#### Significant Issues

On February 21, 2001, the U.S. Supreme Court ruled, in a 5-4 decision, that suits in federal court by state employees to recover money damages under the Americans with Disabilities Act are barred by the Eleventh Amendment. Writing for the majority, Chief Justice Rehnquist stated “In order to authorize private individuals to recover money damages against the states, there must be a pattern of discrimination by the states...and the remedy imposed by Congress must be congruent and proportional to the targeted violation.”

In an article on the Garrett case, the Judge L. Bazelon Center for Mental Health Law states that states have the authority to pass their own laws of the subject of Americans with Disabilities but most have been reluctant to do so.

GCCH states that the decision only impacts state employment practices and prohibits lawsuits for damages under Title I (Employment) of the Americans with Disabilities Act.

### ADMINISTRATIVE IMPLICATIONS

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GCCH will have to determine a meeting scheduled, a plan for review of existing statutes and prepare a recommendation to the Courts and Criminal Justice interim committee with existing personnel and other resources.

GAC/sb:ar