

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 6547

BILL NUMBER: SB 114

NOTE PREPARED: Dec 15, 2021

BILL AMENDED:

SUBJECT: Vaccine Status Discrimination.

FIRST AUTHOR: Sen. Tomes

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that certain acts by a person or a government entity concerning an individual's vaccination status or whether an individual has an immunity passport are against public policy. It provides that the Indiana Department of Labor may investigate and issue administrative orders for violations or threatened violations. It also establishes a separate private right of action for violations or threatened violations.

Effective Date: July 1, 2022.

Explanation of State Expenditures: *Administrative Costs:* The bill requires the DOL to take and investigate complaints and allows them to adopt rules and issue administrative orders for civil remedies when cases of vaccine status discrimination occur in violation of the bill. These requirements represent an additional workload [and/or expenditure] on the DOL outside of the department's routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation. The additional funds and resources required could be supplied through existing staff and resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Violations by State Agencies: State agencies that discriminate against an individual or that withhold state services or employment based on vaccine status or a vaccine passport may be required to pay the following to an individual who prevails in a civil action or under an administrative order from the DOL:

- The greater of actual and consequential damages or liquidated damages of not more than \$1,000;
- Reasonable attorney's fees, litigation expenses, and costs.

[This bill has the potential to impact all agencies as employers, thus impacting all funds that provide operating funds to agency staff.]

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. The proceeds from the automated record keeping fee (\$20) are deposited into the State User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: *Violations by Local Units:* If local units violate the bill by discriminating against an individual or withholding local services or employment based on vaccine status or a vaccine passport, local units may be required to pay the following to an individual who prevails in a civil action or under an administrative order from the DOL:

- The greater of actual and consequential damages or liquidated damages of not more than \$1,000;
- Reasonable attorney's fees, litigation expenses, and costs.

Explanation of Local Revenues: *Court Fee Revenue:* If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$5) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- Document fees (\$1 per page) are charged for preparing transcripts or copies of record or certificate under seal.
- A civil garnishee defendant service fee (\$10) is collected from the filing party for each defendant beyond the first three garnishee defendants cited in the lawsuit.

State Agencies Affected: Department of Labor, all.

Local Agencies Affected: Trial courts, city and town courts. All.

Information Sources:

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