



COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Local Government, to which was referred House Bill No. 1158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 36-2-2.8 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]:
5 **Chapter 2.8. County Contracts; Requirements**
6 **Sec. 1. This chapter only applies to a county not having a**
7 **consolidated city.**
8 **Sec. 2. (a) As used in this chapter, "contract" means a contract**
9 **for the purchase of:**
10 **(1) real property;**
11 **(2) tangible or intangible personal property; or**
12 **(3) services (as defined in IC 5-22-2-30).**
13 **(b) The term does not include a contract concerning the issuance**
14 **of:**
15 **(1) a bond to finance the construction of a public facility; or**
16 **(2) a bond or other type of security for the payment of a lease**
17 **obligation.**
18 **Sec. 3. As used in this chapter, "county officer" has the meaning**
19 **set forth in IC 36-2-2.9-3.**
20 **Sec. 4. A contract entered into by a county, including a contract**

1 **executed by a county officer, must meet the following**
2 **requirements:**

3 **(1) The contract must be executed in the name of the county.**

4 **(2) Any property purchases for public use shall be:**

5 **(A) titled to; or**

6 **(B) documented as owned by;**

7 **the county."**

8 Page 2, delete lines 1 through 2, begin a new paragraph and insert:

9 **"Sec. 5. The county executive may, by ordinance, require**
10 **standard contractual language to be used in all contracts entered**
11 **into by the county, including contracts executed by a county**
12 **officer. The ordinance may include:"**

13 Page 2, line 3, delete "(A)", begin a new line block indented and
14 insert:

15 **"(1)".**

16 Page 2, line 4, delete "(B)", begin a new line block indented and
17 insert:

18 **"(2)".**

19 Page 2, line 5, delete "(C)", begin a new line block indented and
20 insert:

21 **"(3)".**

22 Page 2, line 6, delete "(D)", begin a new line block indented and
23 insert:

24 **"(4)".**

25 Page 2, line 7, delete "(E)", begin a new line block indented and
26 insert:

27 **"(5)".**

28 Page 2, delete lines 8 through 42, begin a new paragraph and insert:

29 **"SECTION 2. IC 36-2-2.9 IS ADDED TO THE INDIANA CODE**
30 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
31 **JULY 1, 2024]:**

32 **Chapter 2.9. Review of County Contracts**

33 **Sec. 1. This chapter only applies to a county not having a**
34 **consolidated city.**

35 **Sec. 2. The definitions in IC 36-2-2.8 apply to this chapter.**

36 **Sec. 3. As used in this chapter, "county officer" means the**
37 **following:**

38 **(1) Assessor.**

39 **(2) Auditor.**

40 **(3) Coroner.**

41 **(4) Recorder.**

42 **(5) Sheriff.**

- 1 **(6) Surveyor.**
- 2 **(7) Treasurer.**
- 3 **(8) Clerk of the circuit court.**
- 4 **(9) County fiscal body.**

5 **Sec. 4. (a) If a county officer has a proposed contract:**

- 6 **(1) that the county officer believes is necessary for the county**
- 7 **officer to carry out a constitutional or statutory duty of office;**
- 8 **and**
- 9 **(2) for which funds have been appropriated by the county**
- 10 **fiscal body to pay for the contract;**

11 **the county officer must submit the contract for review under this**

12 **chapter.**

13 **(b) The county executive may void a contract that a county**

14 **officer executes without first complying with this chapter.**

15 **Sec. 5. To initiate a contract review, the county officer must**

16 **submit to the county auditor the following:**

- 17 **(1) A request for review.**
- 18 **(2) A copy of the proposed contract. The contract must**
- 19 **comply with IC 36-2-2.8, including using the standard terms**
- 20 **required by ordinance under IC 36-2-2.8-5.**

21 **The county auditor shall date stamp the request and immediately**

22 **forward copies of the request and contract to the president of the**

23 **county executive and county attorney.**

24 **Sec. 6. Not later than twenty (20) days after the request is filed**

25 **with the county auditor:**

- 26 **(1) the county executive and county attorney shall review the**
- 27 **proposed contract; and**
- 28 **(2) the county executive shall notify the county officer of the**
- 29 **results of the review.**

30 **Sec. 7. (a) If the county attorney determines that the contract**

31 **does not comply with:**

- 32 **(1) state law; or**
 - 33 **(2) any applicable public purchasing or bidding laws;**
- 34 **the contract is disapproved and may not be executed by the county**
- 35 **officer.**

36 **(b) The county attorney shall notify the county executive of the**

37 **results of the review.**

38 **Sec. 8. If the contract:**

- 39 **(1) is not disapproved under section 7 of this chapter; and**
- 40 **(2) the county executive finds the contract:**
 - 41 **(A) complies with IC 36-2-2.8; and**
 - 42 **(B) is otherwise acceptable;**

1 the county executive may approve and authorize execution of the
 2 contract by the county officer or the county executive.

3 Sec. 9. (a) If the county executive finds the contract:

4 (1) does not comply with IC 36-2-2.8; or

5 (2) is otherwise not acceptable for reasons other than those
 6 determined under section 7 of this chapter;

7 the county executive must provide the county officer with a written
 8 statement described in subsection (b).

9 (b) The county executive must provide a written statement as
 10 part of the notification of the review results under section 11 of this
 11 chapter that:

12 (1) explains why the contract is not acceptable; and

13 (2) provides recommendations, if any, for making the contract
 14 acceptable to the county executive.

15 Sec. 10. The county executive has the responsibility of notifying
 16 the county officer of the results of the review conducted by the
 17 county attorney and the county executive.

18 Sec. 11. If:

19 (1) the review; and

20 (2) the notification of the review results, including the written
 21 statement under section 9(b) of this chapter, if applicable;
 22 are not made within the time required under section 6 of this
 23 chapter, the contract shall be considered acceptable and the county
 24 officer may execute the contract.

25 Sec. 12. (a) This section only applies to a contract that:

26 (1) the county attorney does not disapprove under section 7 of
 27 this chapter; and

28 (2) is found to be unacceptable by the county executive under
 29 section 9 of this chapter.

30 (b) The county officer may do the following:

31 (1) Revise the contract and file a new request for review
 32 under this chapter.

33 (2) Execute the contract, if the county officer determines the
 34 contract complies with IC 36-2-2.8.

35 Sec. 13. (a) A county officer must submit the contract to the
 36 county auditor not more than ten (10) days after the contract is
 37 executed.

38 (b) A contract that is executed by a county officer:

39 (1) under section 12(b)(2); and

40 (2) submitted to the county auditor more than ten (10) days
 41 after execution;

42 is voidable by the county executive."

- 1 Page 3, delete lines 1 through 31, begin a new paragraph and insert:
- 2 "Sec. 14. The county auditor shall upload a contract submitted
- 3 under section 13 of this chapter to the Indiana transparency
- 4 website under IC 5-14-3.8-3."
- 5 Renumber all SECTIONS consecutively.
(Reference is to HB 1158 as reprinted January 19, 2024.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Buck, Chairperson