

Adopted	Rejected
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COMMITTEE REPORT

YES: 8
NO: 0

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1058, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Delete page 2.
- 3 Page 3, delete lines 1 through 6, begin a new paragraph and insert:
- 4 "SECTION 1. IC 32-25.5-1-1, AS ADDED BY P.L.167-2009,
- 5 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6 JULY 1, 2011]: Sec. 1. (a) This article applies to the following:
- 7 (1) A homeowners association established after June 30, 2009.
- 8 (2) A homeowners association established before July 1, 2009:
- 9 (A) if a majority of the members of the homeowners
- 10 association elect to be governed by this article; or
- 11 (B) if the number of members required by the homeowners
- 12 association's governing documents elect to be governed by this
- 13 article if a different number of members other than the number
- 14 established in clause (A) is required by the governing

- 1 documents.
- 2 **(b) IC 32-25.5-3-8 applies to all homeowners associations."**
- 3 Page 3, line 10, after "board or" insert "**an individual member of**
- 4 **a board of"**.
- 5 Page 3, line 10, delete "to enjoy knowing or" and insert "**if the**
- 6 **attorney general finds that:**
- 7 **(1) the association's funds have been knowingly or**
- 8 **intentionally misappropriated or diverted by a board**
- 9 **member; or**
- 10 **(2) a board member has knowingly or intentionally used the**
- 11 **board member's position on the board to commit fraud or a**
- 12 **criminal act against the association or the association's**
- 13 **members."**
- 14 Page 3, delete line 11.
- 15 Page 3, line 15, delete "or the homeowners association" and insert
- 16 "**member"**.
- 17 Page 3, line 17, delete "or a homeowners association to reimburse"
- 18 and insert "**member to be removed from the board.**
- 19 **(4) Order a board member to reimburse the state for the**
- 20 **reasonable costs of the attorney general's investigation and**
- 21 **prosecution of the violation."**
- 22 Page 3, delete lines 18 through 21.
- 23 Renumber all SECTIONS consecutively.
(Reference is to HB 1058 as introduced.)

and when so amended that said bill do pass.

Representative Foley