

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1084**

Citations Affected: IC 4-6-12-3; IC 5-20; IC 24-5.5; IC 24-9; IC 25-1-11-13; IC 32-25.5; IC 33-37.

Synopsis: Various property issues. Provides that the homeowner protection unit of the attorney general's office shall enforce violations of the statute concerning homeowners associations. Makes changes to the mortgage rescue protection fraud act to make it consistent with the credit services organization act and the home loan practices act, including providing that the statute of limitations on filing claims runs for five years from the occurrence of the violation and not from the time the home loan is made. Permits suspension of the license of an individual licensed under the real estate licensing law for an emergency period if the licensee has engaged in material and intentional misrepresentations or omissions. (The law currently allows for emergency suspension of the licenses of real estate appraisers only.) With certain exceptions, requires a homeowners association to: (1) make financial records available for inspection upon written request by a member of the association; and (2) provide all communications concerning a dispute with a homeowner to that homeowner. Permits a homeowners association to charge a search fee not to exceed \$35 per hour for time spent on records searches in excess of one hour. Provides that the total amount of the fee for a search may not exceed \$200. Provides that the homeowners association statute does not abrogate an agreement by a homeowners association to provide additional inspection rights. Requires a clerk of a court who must collect a civil costs fee from a party filing a civil action to also collect a \$50 mortgage foreclosure counseling and education fee from a party filing a civil action to foreclose a mortgage. Requires that mortgage foreclosure counseling and education fees collected by a clerk must be deposited in the home ownership education account. Urges the legislative council to establish a study committee on the topic of homeowners associations. **(This conference committee report: (1) adds provisions from HB 1308 concerning the mortgage foreclosure counseling and education fee; (2) changes the maximum hourly fee that a homeowners association may charge for records searches of more than one hour to \$35 per hour, instead of the lesser of \$35 per hour or the hourly rate of the person making the search; and (3) provides that the total amount of the fee for a search may not exceed \$200.)**

Effective: Upon passage; July 1, 2013.

Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1084 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-6-12-3, AS AMENDED BY P.L.230-2007,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2013]: Sec. 3. (a) Beginning July 1, 2005, the unit shall do the
- 5 following:
- 6 (1) Investigate deceptive acts in connection with mortgage
- 7 lending.
- 8 (2) Investigate violations of IC 24-9.
- 9 (3) Institute appropriate administrative and civil actions to
- 10 redress:
- 11 (A) deceptive acts in connection with mortgage lending; and
- 12 (B) violations of IC 24-5-0.5 and IC 24-9.
- 13 (4) Cooperate with federal, state, and local law enforcement
- 14 agencies in the investigation of the following:
- 15 (A) Deceptive acts in connection with mortgage lending.
- 16 (B) Criminal violations involving deceptive acts in connection
- 17 with mortgage lending.
- 18 (C) Violations of IC 24-5-0.5 and IC 24-9.
- 19 (D) Violations of:
- 20 (i) the federal Truth in Lending Act (15 U.S.C. 1601 et
- 21 seq.);

- 1 (ii) the Real Estate Settlement Procedures Act (12 U.S.C.
2 2601 et seq.); and
3 (iii) any other federal laws or regulations concerning
4 mortgage lending.

5 To the extent authorized by federal law, the unit may enforce
6 compliance with the federal statutes or regulations described
7 in this clause or refer suspected violations of the statutes or
8 regulations to the appropriate federal regulatory agencies.

9 **(5) Enforce violations of IC 32-25.5-3 by homeowners**
10 **associations.**

11 (b) The attorney general shall adopt rules under IC 4-22-2 to the
12 extent necessary to organize the unit.

13 SECTION 2. IC 5-20-1-27, AS AMENDED BY P.L.170-2011,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 27. (a) The home ownership education
16 account within the state general fund is established to support:

- 17 (1) home ownership education programs established under section
18 4(d) of this chapter;
19 (2) mortgage foreclosure counseling and education programs
20 established under IC 5-20-6-2; and
21 (3) programs conducted by one (1) or a combination of the
22 following to facilitate settlement conferences in residential
23 foreclosure actions under IC 32-30-10.5:
24 (A) The judiciary.
25 (B) Pro bono legal services agencies.
26 (C) Mortgage foreclosure counselors (as defined in
27 IC 32-30-10.5-6).
28 (D) Other nonprofit entities certified by the authority under
29 section 4(d) of this chapter.

30 The account is administered by the authority.

31 (b) The home ownership education account consists of:

- 32 (1) court fees collected under ~~IC 33-37-5-30 (before its expiration~~
33 ~~on January 1, 2013); IC 33-37-5-32 (before its expiration on~~
34 **January 1, 2015);**
35 (2) civil penalties imposed and collected under:
36 (A) IC 6-1.1-12-43(g)(2)(B); or
37 (B) IC 27-7-3-15.5(e); and
38 (3) any civil penalties imposed and collected by a court for a
39 violation of a court order in a foreclosure action under
40 IC 32-30-10.5.

41 (c) The expenses of administering the home ownership education
42 account shall be paid from money in the account.

43 (d) The treasurer of state shall invest the money in the home
44 ownership education account not currently needed to meet the
45 obligations of the account in the same manner as other public money
46 may be invested.

47 SECTION 3. IC 5-20-6-3, AS AMENDED BY P.L.170-2011,
48 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
49 UPON PASSAGE]: Sec. 3. In addition to using money provided for the
50 program from:

- 1 (1) court fees under ~~IC 33-37-5-30 (before its expiration on~~
 2 ~~January 1, 2013); IC 33-37-5-32 (before its expiration on~~
 3 **January 1, 2015);**
- 4 (2) civil penalties imposed and collected under:
 5 (A) IC 6-1.1-12-43(g)(2)(B); or
 6 (B) IC 27-7-3-15.5(e); and
- 7 (3) any civil penalties imposed and collected by a court for a
 8 violation of a court order in a foreclosure action under
 9 IC 32-30-10.5;

10 the authority may solicit contributions and grants from the private
 11 sector, nonprofit entities, and the federal government to assist in
 12 carrying out the purposes of this chapter.

13 SECTION 4. IC 24-5.5-5-2, AS ADDED BY P.L.209-2007,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2013]: Sec. 2. In addition to any prohibitions that apply under
 16 IC 24-5-15-1 through IC 24-5-15-8, a foreclosure consultant may not:

- 17 (1) enter into or attempt to enter into a foreclosure consultant
 18 contract with a homeowner unless the foreclosure consultant first
 19 provides the homeowner written notice of the homeowner's rights
 20 under this article;
- 21 (2) demand or receive compensation until after the foreclosure
 22 consultant has fully performed all services the foreclosure
 23 consultant contracted to perform or represented that the
 24 foreclosure consultant would perform, unless the foreclosure
 25 consultant complies with the security requirements under
 26 IC 24-5-15-8;
- 27 (3) demand or receive a fee, interest, or any other compensation
 28 that exceeds eight percent (8%) per year of the amount of any
 29 loan that the foreclosure consultant makes to the homeowner;
- 30 (4) take a wage assignment, a lien of any type on real or personal
 31 property, or any other security to secure the payment of
 32 compensation;
- 33 (5) receive consideration from a third party in connection with
 34 foreclosure consulting services provided to a homeowner unless
 35 the consideration is first fully disclosed in writing to the
 36 homeowner;
- 37 (6) acquire any interest, directly or indirectly, in residential real
 38 property in foreclosure from a homeowner with whom the
 39 foreclosure consultant has contracted; ~~or~~
- 40 (7) except to inspect documents as provided by law, take any
 41 power of attorney from a homeowner for any purpose;
- 42 **(8) execute any contract or agreement with a homeowner or**
 43 **receive money or other valuable consideration from a**
 44 **homeowner without providing the homeowner with the**
 45 **written statement required by IC 24-5-15-6; or**
- 46 **(9) fail to provide a homeowner with a written contract that**
 47 **includes the notice of cancellation required by IC 24-5-15-7.**

48 SECTION 5. IC 24-5.5-5-8 IS ADDED TO THE INDIANA CODE
 49 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 50 1, 2013]: **Sec. 8. A foreclosure consultant may not represent to a**
 51 **homeowner that the foreclosure consultant is endorsed, sponsored,**

1 **or affiliated with any governmental or government sponsored**
 2 **agency or program.**

3 SECTION 6. IC 24-5.5-6-1, AS AMENDED BY P.L.114-2010,
 4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2013]: Sec. 1. A person who knowingly or intentionally
 6 violates this article commits:

- 7 (1) a Class A misdemeanor; ~~and~~
 8 (2) a deceptive act that is actionable by the attorney general under
 9 IC 24-5-0.5-4 and is subject to the penalties and remedies
 10 available to the attorney general under IC 24-5-0.5; **and**
 11 **(3) a deceptive act that is actionable by the attorney general**
 12 **under IC 24-9-8-2 and is subject to the penalties and remedies**
 13 **available to the attorney general under IC 24-9.**

14 SECTION 7. IC 24-9-2-7, AS AMENDED BY P.L.226-2011,
 15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2013]: Sec. 7. (a) "Deceptive act" means:

17 **(1)** an act or a practice as part of a mortgage transaction (as
 18 defined in IC 24-9-3-7(a)), or of a real estate transaction (as
 19 defined in IC 24-9-3-7(b)), in which a person at the time of the
 20 transaction knowingly or intentionally:

- 21 ~~(1)~~ **(A)** makes a material misrepresentation; or
 22 ~~(2)~~ **(B)** conceals material information regarding the terms or
 23 conditions of the transaction; **or**

24 **(2) a violation of IC 24-5.5 concerning mortgage rescue**
 25 **protection fraud as set forth in IC 24-5.5-6-1.**

26 (b) For purposes of this section, "knowingly" means having actual
 27 knowledge at the time of the transaction.

28 SECTION 8. IC 24-9-8-2 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2013]: Sec. 2. (a) Beginning July 1, 2005, the
 30 attorney general and the attorney general's homeowner protection unit
 31 established under IC 4-6-12 shall enforce this article. ~~for any violation~~
 32 ~~occurring within five (5) years after the making of a home loan. An~~
 33 **action may not be brought under this article more than five (5)**
 34 **years after the occurrence of the violation.**

35 (b) The attorney general may refer a matter under section 1 of this
 36 chapter to a prosecuting attorney for enforcement.

37 SECTION 9. IC 25-1-11-13, AS AMENDED BY P.L.3-2008,
 38 SECTION 182, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2013]: Sec. 13. (a) The board may summarily
 40 suspend a practitioner's license for ninety (90) days before a final
 41 adjudication or during the appeals process if the board finds that a
 42 practitioner represents a clear and immediate danger to the public's
 43 health, safety, or property if the practitioner is allowed to continue to
 44 practice. The summary suspension may be renewed upon a hearing
 45 before the board, and each renewal may be for not more than ninety
 46 (90) days.

47 (b) The board may summarily suspend the license of a real estate
 48 appraiser for ninety (90) days before a final adjudication or during the
 49 appeals process if the board finds that the licensed real estate appraiser
 50 has engaged in material and intentional misrepresentations or
 51 omissions in the preparation of at least three (3) written appraisal

1 reports that were submitted by a person to obtain a loan. The summary
 2 suspension may be renewed after a hearing before the board. Each
 3 renewal of a summary suspension may be for not more than ninety (90)
 4 days.

5 **(c) The board may summarily suspend the license of an**
 6 **individual licensed under IC 25-34.1 for ninety (90) days before a**
 7 **final adjudication or during the appeals process if the board finds**
 8 **that the individual has engaged in material and intentional**
 9 **misrepresentations or omissions in at least three (3) transactions.**
 10 **The summary suspension may be renewed after a hearing before**
 11 **the board. Each renewal of a summary suspension may be for not**
 12 **more than ninety (90) days.**

13 ~~(e)~~ **(d)** Before the board may summarily suspend a license under this
 14 section, the consumer protection division of the office of the attorney
 15 general shall make a reasonable attempt to notify a practitioner of:

16 (1) a hearing by the board to suspend the practitioner's license;
 17 and

18 (2) information regarding the allegation against the practitioner.

19 The consumer protection division of the office of the attorney general
 20 shall also notify the practitioner that the practitioner may provide a
 21 written or an oral statement to the board on the practitioner's behalf
 22 before the board issues an order for summary suspension. A reasonable
 23 attempt to notify the practitioner is made if the consumer protection
 24 division of the office of the attorney general attempts to notify the
 25 practitioner by telephone or facsimile at the last telephone number or
 26 facsimile number of the practitioner on file with the board.

27 SECTION 10. IC 32-25.5-1-1, AS AMENDED BY P.L.49-2011,
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2013]: Sec. 1. (a) This article applies to the following:

30 (1) A homeowners association established after June 30, 2009.

31 (2) A homeowners association established before July 1, 2009:

32 (A) if a majority of the members of the homeowners
 33 association elect to be governed by this article; or

34 (B) if the number of members required by the homeowners
 35 association's governing documents elect to be governed by this
 36 article if a different number of members other than the number
 37 established in clause (A) is required by the governing
 38 documents.

39 (b) IC 32-25.5-3-8 applies to all homeowners associations.

40 **(c) IC 32-25.5-3-3(g) through IC 32-25.5-3-3(m) apply to all**
 41 **homeowners associations.**

42 SECTION 11. IC 32-25.5-3-3, AS ADDED BY P.L.167-2009,
 43 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2013]: Sec. 3. (a) A homeowners association shall prepare an
 45 annual budget.

46 (b) The annual budget must reflect:

47 (1) the estimated revenues and expenses for the budget year; and

48 (2) the estimated surplus or deficit as of the end of the current
 49 budget year.

50 (c) The homeowners association shall provide each member of the
 51 homeowners association with:

- 1 (1) a:
- 2 (A) copy of the proposed annual budget; or
- 3 (B) written notice that a copy of the proposed annual budget
- 4 is available upon request at no charge to the member; and
- 5 (2) a written notice of the amount of any increase or decrease in
- 6 a regular annual assessment paid by the members that would
- 7 occur if the proposed annual budget is approved;
- 8 before the homeowners association meeting held under subsection (d).
- 9 (d) Subject to subsection (f), a homeowners association budget must
- 10 be approved at a meeting of the homeowners association members by
- 11 a majority of the members of the homeowners association in attendance
- 12 at a meeting called and conducted in accordance with the requirements
- 13 of the homeowners association's governing documents.
- 14 (e) For purposes of this section, a member of a homeowners
- 15 association is considered to be in attendance at a meeting if the
- 16 member attends:
- 17 (1) in person;
- 18 (2) by proxy; or
- 19 (3) by any other means allowed under:
- 20 (A) state law; or
- 21 (B) the governing documents of the homeowners association.
- 22 (f) If the number of members of the homeowners association in
- 23 attendance at a meeting held under subsection (d) does not constitute
- 24 a quorum as defined in the governing documents of the homeowners
- 25 association, the board may adopt an annual budget for the homeowners
- 26 association for the ensuing year in an amount that does not exceed one
- 27 hundred percent (100%) of the amount of the last approved
- 28 homeowners association annual budget. However, the board may adopt
- 29 an annual budget for the homeowners association for the ensuing year
- 30 in an amount that does not exceed one hundred ten percent (110%) of
- 31 the amount of the last approved homeowners association annual budget
- 32 if the governing documents of the homeowners association allow the
- 33 board to adopt an annual budget under this subsection for the ensuing
- 34 year in an amount that does not exceed one hundred ten percent
- 35 (110%) of the amount of the last approved homeowners association
- 36 annual budget.
- 37 **(g) Subject to subsection (k), the financial records, including all**
- 38 **contracts, invoices, bills, receipts, and bank records, of a**
- 39 **homeowners association must be available for inspection by each**
- 40 **member of the homeowners association upon written request. A**
- 41 **written request for inspection must identify with reasonable**
- 42 **particularity the information being requested. A member's ability**
- 43 **to inspect records under this section shall not be unreasonably**
- 44 **denied or conditioned upon provision of an appropriate purpose**
- 45 **for the request.**
- 46 **(h) If there is a dispute between a homeowner and a**
- 47 **homeowners association, the officers of the homeowners**
- 48 **association must make all communications concerning the dispute**
- 49 **available to the homeowner.**
- 50 **(i) A homeowners association shall make all communications**
- 51 **and information concerning a lot available to the owner of the lot**

- 1 or a home on the lot.
- 2 (j) Notwithstanding subsections (h) and (i), a homeowners
- 3 association is not required to make:
- 4 (1) communications between the homeowners association and
- 5 the legal counsel of the homeowners association; and
- 6 (2) other communications or attorney work product prepared
- 7 in anticipation of litigation;
- 8 available to the owner of a lot or home.
- 9 (k) A homeowners association is not required to make available
- 10 to a member for inspection:
- 11 (1) unexecuted contracts;
- 12 (2) records regarding contract negotiations;
- 13 (3) information regarding an individual member's association
- 14 account to a person who is not a named party on the account;
- 15 (4) any other information that is prohibited from release
- 16 under state or federal law; or
- 17 (5) any records that were created more than two (2) years
- 18 before the request.
- 19 (l) Nothing in this chapter:
- 20 (1) abrogates or eliminates provisions in homeowners
- 21 association agreements that permit or require additional
- 22 disclosure or inspection rights not required by this chapter;
- 23 or
- 24 (2) prevents a homeowners association from agreeing to make
- 25 disclosures or to provide inspection rights not required by this
- 26 chapter.
- 27 (m) A homeowners association may not charge a fee for the first
- 28 hour required to search for a record in response to a written
- 29 request submitted under this chapter. A homeowners association
- 30 may charge a search fee for any time that exceeds one (1) hour.
- 31 The following provisions apply if a homeowners association
- 32 charges a search fee:
- 33 (1) The homeowners association shall charge an hourly fee
- 34 that does not exceed thirty-five dollars (\$35) per hour.
- 35 (2) The homeowners association may charge the fee only for
- 36 time that the person making the search actually spends in
- 37 searching for the record.
- 38 (3) The homeowners association shall prorate the fee to reflect
- 39 any search time of less than one (1) hour.
- 40 (4) The total amount of the fee charged by the homeowners
- 41 association for a search may not exceed two hundred dollars
- 42 (\$200).
- 43 SECTION 12. IC 33-37-4-4, AS AMENDED BY P.L.136-2012,
- 44 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 45 UPON PASSAGE]: Sec. 4. (a) The clerk shall collect a civil costs fee
- 46 of one hundred dollars (\$100) from a party filing a civil action. This
- 47 subsection does not apply to the following civil actions:
- 48 (1) Proceedings to enforce a statute defining an infraction under
- 49 IC 34-28-5 (or IC 34-4-32 before its repeal).
- 50 (2) Proceedings to enforce an ordinance under IC 34-28-5 (or
- 51 IC 34-4-32 before its repeal).

- 1 (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- 2 (4) Proceedings in paternity under IC 31-14.
- 3 (5) Proceedings in small claims court under IC 33-34.
- 4 (6) Proceedings in actions described in section 7 of this chapter.
- 5 (b) In addition to the civil costs fee collected under this section, the
- 6 clerk shall collect the following fees, if they are required under
- 7 IC 33-37-5:
- 8 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
- 9 IC 33-37-5-4).
- 10 (2) A support and maintenance fee (IC 33-37-5-6).
- 11 (3) A document storage fee (IC 33-37-5-20).
- 12 (4) An automated record keeping fee (IC 33-37-5-21).
- 13 (5) A public defense administration fee (IC 33-37-5-21.2).
- 14 (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- 15 (7) A judicial salaries fee (IC 33-37-5-26).
- 16 (8) A court administration fee (IC 33-37-5-27).
- 17 (9) A service fee (IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)).
- 18 (10) A garnishee service fee (IC 33-37-5-28(b)(3) or
- 19 IC 33-37-5-28(b)(4)).
- 20 (11) For a mortgage foreclosure action, ~~filed after June 30, 2009;~~
- 21 ~~and before January 1, 2013;~~ a mortgage foreclosure counseling
- 22 and education fee ~~(IC 33-37-5-30 (before its expiration on~~
- 23 ~~January 1, 2013)). (IC 33-37-5-32) (before its expiration on~~
- 24 ~~January 1, 2015).~~
- 25 (12) Before July 1, 2017, a pro bono legal services fee
- 26 (IC 33-37-5-31).

27 SECTION 13. IC 33-37-5-32 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE UPON PASSAGE]: **Sec. 32. (a) This section applies to**
 30 **a civil action in which the clerk is required to collect a civil costs**
 31 **fee under IC 33-37-4-4(a). The clerk shall collect a fifty dollar (\$50)**
 32 **mortgage foreclosure counseling and education fee from a party**
 33 **filing an action to foreclose a mortgage.**

34 **(b) This section expires January 1, 2015.**

35 SECTION 14. IC 33-37-7-2, AS AMENDED BY P.L.136-2012,
 36 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 UPON PASSAGE]: Sec. 2. (a) The clerk of a circuit court shall
 38 distribute semiannually to the auditor of state as the state share for
 39 deposit in the homeowner protection unit account established by
 40 IC 4-6-12-9 one hundred percent (100%) of the automated record
 41 keeping fees collected under IC 33-37-5-21 with respect to actions
 42 resulting in the accused person entering into a pretrial diversion
 43 program agreement under IC 33-39-1-8 or a deferral program
 44 agreement under IC 34-28-5-1 and for deposit in the state general fund
 45 seventy percent (70%) of the amount of fees collected under the
 46 following:

- 47 (1) IC 33-37-4-1(a) (criminal costs fees).
- 48 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 49 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 50 (4) IC 33-37-4-4(a) (civil costs fees).
- 51 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

- 1 (6) IC 33-37-4-7(a) (probate costs fees).
 2 (7) IC 33-37-5-17 (deferred prosecution fees).
 3 (b) The clerk of a circuit court shall distribute semiannually to the
 4 auditor of state for deposit in the state user fee fund established in
 5 IC 33-37-9-2 the following:
- 6 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 7 interdiction, and correction fees collected under
 8 IC 33-37-4-1(b)(5).
 - 9 (2) Twenty-five percent (25%) of the alcohol and drug
 10 countermeasures fees collected under IC 33-37-4-1(b)(6),
 11 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 - 12 (3) One hundred percent (100%) of the child abuse prevention
 13 fees collected under IC 33-37-4-1(b)(7).
 - 14 (4) One hundred percent (100%) of the domestic violence
 15 prevention and treatment fees collected under IC 33-37-4-1(b)(8).
 - 16 (5) One hundred percent (100%) of the highway work zone fees
 17 collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 - 18 (6) One hundred percent (100%) of the safe schools fee collected
 19 under IC 33-37-5-18.
 - 20 (7) The following:
 - 21 (A) For a county operating under the state's automated judicial
 22 system, one hundred percent (100%) of the automated record
 23 keeping fee (IC 33-37-5-21) not distributed under subsection
 24 (a).
 - 25 (B) For a county not operating under the state's automated
 26 judicial system, eighty percent (80%) of the automated record
 27 keeping fee (IC 33-37-5-21) not distributed under subsection
 28 (a).
 - 29 (c) The clerk of a circuit court shall distribute monthly to the county
 30 auditor the following:
 - 31 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 32 interdiction, and correction fees collected under
 33 IC 33-37-4-1(b)(5).
 - 34 (2) Seventy-five percent (75%) of the alcohol and drug
 35 countermeasures fees collected under IC 33-37-4-1(b)(6),
 36 IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 - 37 The county auditor shall deposit fees distributed by a clerk under this
 38 subsection into the county drug free community fund established under
 39 IC 5-2-11.
 - 40 (d) The clerk of a circuit court shall distribute monthly to the county
 41 auditor one hundred percent (100%) of the late payment fees collected
 42 under IC 33-37-5-22. The county auditor shall deposit fees distributed
 43 by a clerk under this subsection as follows:
 - 44 (1) If directed to do so by an ordinance adopted by the county
 45 fiscal body, the county auditor shall deposit forty percent (40%)
 46 of the fees in the clerk's record perpetuation fund established
 47 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
 48 county general fund.
 - 49 (2) If the county fiscal body has not adopted an ordinance
 50 described in subdivision (1), the county auditor shall deposit all

1 the fees in the county general fund.

2 (e) The clerk of the circuit court shall distribute semiannually to the
3 auditor of state for deposit in the sexual assault victims assistance
4 account established by IC 5-2-6-23(h) one hundred percent (100%) of
5 the sexual assault victims assistance fees collected under
6 IC 33-37-5-23.

7 (f) The clerk of a circuit court shall distribute monthly to the county
8 auditor the following:

9 (1) One hundred percent (100%) of the support and maintenance
10 fees for cases designated as non-Title IV-D child support cases in
11 the Indiana support enforcement tracking system (ISETS) or the
12 successor statewide automated support enforcement system
13 collected under IC 33-37-5-6.

14 (2) The percentage share of the support and maintenance fees for
15 cases designated as Title IV-D child support cases in ISETS or the
16 successor statewide automated support enforcement system
17 collected under IC 33-37-5-6 that is reimbursable to the county at
18 the federal financial participation rate.

19 The county clerk shall distribute monthly to the department of child
20 services the percentage share of the support and maintenance fees for
21 cases designated as Title IV-D child support cases in ISETS, or the
22 successor statewide automated support enforcement system, collected
23 under IC 33-37-5-6 that is not reimbursable to the county at the
24 applicable federal financial participation rate.

25 (g) The clerk of a circuit court shall distribute monthly to the county
26 auditor the following:

27 (1) One hundred percent (100%) of the small claims service fee
28 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
29 the county general fund.

30 (2) One hundred percent (100%) of the small claims garnishee
31 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
32 deposit in the county general fund.

33 (h) This subsection does not apply to court administration fees
34 collected in small claims actions filed in a court described in IC 33-34.
35 The clerk of a circuit court shall semiannually distribute to the auditor
36 of state for deposit in the state general fund one hundred percent
37 (100%) of the following:

38 (1) The public defense administration fee collected under
39 IC 33-37-5-21.2.

40 (2) The judicial salaries fees collected under IC 33-37-5-26.

41 (3) The DNA sample processing fees collected under
42 IC 33-37-5-26.2.

43 (4) The court administration fees collected under IC 33-37-5-27.

44 (i) The clerk of a circuit court shall semiannually distribute to the
45 auditor of state for deposit in the judicial branch insurance adjustment
46 account established by IC 33-38-5-8.2 one hundred percent (100%) of
47 the judicial insurance adjustment fee collected under IC 33-37-5-25.

48 (j) The proceeds of the service fee collected under
49 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
50 follows:

- 1 (1) The clerk shall distribute one hundred percent (100%) of the
 2 service fees collected in a circuit, superior, county, or probate
 3 court to the county auditor for deposit in the county general fund.
 4 (2) The clerk shall distribute one hundred percent (100%) of the
 5 service fees collected in a city or town court to the city or town
 6 fiscal officer for deposit in the city or town general fund.
- 7 (k) The proceeds of the garnishee service fee collected under
 8 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 9 follows:
- 10 (1) The clerk shall distribute one hundred percent (100%) of the
 11 garnishee service fees collected in a circuit, superior, county, or
 12 probate court to the county auditor for deposit in the county
 13 general fund.
 14 (2) The clerk shall distribute one hundred percent (100%) of the
 15 garnishee service fees collected in a city or town court to the city
 16 or town fiscal officer for deposit in the city or town general fund.
- 17 (l) The clerk of the circuit court shall distribute semiannually to the
 18 auditor of state for deposit in the home ownership education account
 19 established by IC 5-20-1-27 one hundred percent (100%) of the
 20 following:
- 21 (1) The mortgage foreclosure counseling and education fees
 22 collected under ~~IC 33-37-5-30 (before its expiration on January~~
 23 ~~1, 2013).~~ **IC 33-37-5-32 (before its expiration on January 1,**
 24 **2015).**
 25 (2) Any civil penalties imposed and collected by a court for a
 26 violation of a court order in a foreclosure action under
 27 IC 32-30-10.5.
- 28 (m) This subsection applies to a county that is not operating under
 29 the state's automated judicial system. The clerk of a circuit court shall
 30 distribute monthly to the county auditor twenty percent (20%) of the
 31 automated record keeping fee (IC 33-37-5-21) not distributed under
 32 subsection (a) for deposit in the clerk's record perpetuation fund.
- 33 (n) The clerk of a circuit court shall distribute semiannually to the
 34 auditor of state one hundred percent (100%) of the pro bono legal
 35 services fees collected before July 1, 2017, under IC 33-37-5-31. The
 36 auditor of state shall transfer semiannually the pro bono legal services
 37 fees to the Indiana Bar Foundation (or a successor entity) as the entity
 38 designated to organize and administer the interest on lawyers trust
 39 accounts (IOLTA) program under Rule 1.15 of the Rules of
 40 Professional Conduct of the Indiana supreme court. The Indiana Bar
 41 Foundation shall:
- 42 (1) deposit in an appropriate account and otherwise manage the
 43 fees the Indiana Bar Foundation receives under this subsection in
 44 the same manner the Indiana Bar Foundation deposits and
 45 manages the net earnings the Indiana Bar Foundation receives
 46 from IOLTA accounts; and
 47 (2) use the fees the Indiana Bar Foundation receives under this
 48 subsection to assist or establish approved pro bono legal services
 49 programs.
- 50 The handling and expenditure of the pro bono legal services fees

1 received under this section by the Indiana Bar Foundation (or its
2 successor entity) are subject to audit by the state board of accounts. The
3 amounts necessary to make the transfers required by this subsection are
4 appropriated from the state general fund.

5 SECTION 15. [EFFECTIVE JULY 1, 2013] **(a) As used in this**
6 **SECTION, "study committee" means either of the following:**

7 **(1) A statutory committee established under IC 2-5.**

8 **(2) An interim study committee established by the legislative**
9 **council.**

10 **(b) The legislative council is urged to assign to a study**
11 **committee during the 2013 legislative interim the topic of**
12 **homeowners associations, including mediation or arbitration of**
13 **disputes involving homeowners associations and members of**
14 **homeowners associations.**

15 **(c) If the topic described in subsection (b) is assigned to a study**
16 **committee, the study committee shall, not later than November 1,**
17 **2013, issue a final report to the legislative council in an electronic**
18 **format under IC 5-14-6. The final report must contain the study**
19 **committee's findings and recommendations (including any**
20 **recommended legislation concerning the topic).**

21 **(d) This SECTION expires December 31, 2013.**

22 SECTION 16. **An emergency is declared for this act.**

(Reference is to EHB 1084 as printed March 27, 2013.)

Conference Committee Report
on
Engrossed House Bill 1084

Signed by:

Representative Burton
Chairperson

Senator Walker

Representative Riecken

Senator Taylor

House Conferees

Senate Conferees