

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 582, 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, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.94-2010,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2011]: Sec. 4. (a) The following public records are excepted
6 from section 3 of this chapter and may not be disclosed by a public
7 agency, unless access to the records is specifically required by a state
8 or federal statute or is ordered by a court under the rules of discovery:
9 (1) Those declared confidential by state statute.
10 (2) Those declared confidential by rule adopted by a public
11 agency under specific authority to classify public records as
12 confidential granted to the public agency by statute.
13 (3) Those required to be kept confidential by federal law.
14 (4) Records containing trade secrets.
15 (5) Confidential financial information obtained, upon request,
16 from a person. However, this does not include information that is
17 filed with or received by a public agency pursuant to state statute.
18 (6) Information concerning research, including actual research
19 documents, conducted under the auspices of a state educational
20 institution, including information:

- 1 (A) concerning any negotiations made with respect to the
2 research; and
- 3 (B) received from another party involved in the research.
- 4 (7) Grade transcripts and license examination scores obtained as
5 part of a licensure process.
- 6 (8) Those declared confidential by or under rules adopted by the
7 supreme court of Indiana.
- 8 (9) Patient medical records and charts created by a provider,
9 unless the patient gives written consent under IC 16-39 or as
10 provided under IC 16-41-8.
- 11 (10) Application information declared confidential by the board
12 of the Indiana economic development corporation under
13 IC 5-28-16.
- 14 (11) A photograph, a video recording, or an audio recording of an
15 autopsy, except as provided in IC 36-2-14-10.
- 16 (12) A Social Security number contained in the records of a
17 public agency.
- 18 **(13) Contact information relating to a defendant in a**
19 **mortgage foreclosure action under IC 32-30-10.5-8.**
- 20 (b) Except as otherwise provided by subsection (a), the following
21 public records shall be excepted from section 3 of this chapter at the
22 discretion of a public agency:
- 23 (1) Investigatory records of law enforcement agencies. However,
24 certain law enforcement records must be made available for
25 inspection and copying as provided in section 5 of this chapter.
- 26 (2) The work product of an attorney representing, pursuant to
27 state employment or an appointment by a public agency:
- 28 (A) a public agency;
29 (B) the state; or
30 (C) an individual.
- 31 (3) Test questions, scoring keys, and other examination data used
32 in administering a licensing examination, examination for
33 employment, or academic examination before the examination is
34 given or if it is to be given again.
- 35 (4) Scores of tests if the person is identified by name and has not
36 consented to the release of the person's scores.
- 37 (5) The following:
38 (A) Records relating to negotiations between the Indiana

- 1 economic development corporation, the ports of Indiana, the
 2 Indiana state department of agriculture, the Indiana finance
 3 authority, an economic development commission, a local
 4 economic development organization (as defined in
 5 IC 5-28-11-2(3)), or a governing body of a political
 6 subdivision with industrial, research, or commercial prospects,
 7 if the records are created while negotiations are in progress.
- 8 (B) Notwithstanding clause (A), the terms of the final offer of
 9 public financial resources communicated by the Indiana
 10 economic development corporation, the ports of Indiana, the
 11 Indiana finance authority, an economic development
 12 commission, or a governing body of a political subdivision to
 13 an industrial, a research, or a commercial prospect shall be
 14 available for inspection and copying under section 3 of this
 15 chapter after negotiations with that prospect have terminated.
- 16 (C) When disclosing a final offer under clause (B), the Indiana
 17 economic development corporation shall certify that the
 18 information being disclosed accurately and completely
 19 represents the terms of the final offer.
- 20 (6) Records that are intra-agency or interagency advisory or
 21 deliberative material, including material developed by a private
 22 contractor under a contract with a public agency, that are
 23 expressions of opinion or are of a speculative nature, and that are
 24 communicated for the purpose of decision making.
- 25 (7) Diaries, journals, or other personal notes serving as the
 26 functional equivalent of a diary or journal.
- 27 (8) Personnel files of public employees and files of applicants for
 28 public employment, except for:
- 29 (A) the name, compensation, job title, business address,
 30 business telephone number, job description, education and
 31 training background, previous work experience, or dates of
 32 first and last employment of present or former officers or
 33 employees of the agency;
- 34 (B) information relating to the status of any formal charges
 35 against the employee; and
- 36 (C) the factual basis for a disciplinary action in which final
 37 action has been taken and that resulted in the employee being
 38 suspended, demoted, or discharged.

- 1 However, all personnel file information shall be made available
 2 to the affected employee or the employee's representative. This
 3 subdivision does not apply to disclosure of personnel information
 4 generally on all employees or for groups of employees without the
 5 request being particularized by employee name.
- 6 (9) Minutes or records of hospital medical staff meetings.
- 7 (10) Administrative or technical information that would
 8 jeopardize a record keeping or security system.
- 9 (11) Computer programs, computer codes, computer filing
 10 systems, and other software that are owned by the public agency
 11 or entrusted to it and portions of electronic maps entrusted to a
 12 public agency by a utility.
- 13 (12) Records specifically prepared for discussion or developed
 14 during discussion in an executive session under IC 5-14-1.5-6.1.
 15 However, this subdivision does not apply to that information
 16 required to be available for inspection and copying under
 17 subdivision (8).
- 18 (13) The work product of the legislative services agency under
 19 personnel rules approved by the legislative council.
- 20 (14) The work product of individual members and the partisan
 21 staffs of the general assembly.
- 22 (15) The identity of a donor of a gift made to a public agency if:
 23 (A) the donor requires nondisclosure of the donor's identity as
 24 a condition of making the gift; or
 25 (B) after the gift is made, the donor or a member of the donor's
 26 family requests nondisclosure.
- 27 (16) Library or archival records:
 28 (A) which can be used to identify any library patron; or
 29 (B) deposited with or acquired by a library upon a condition
 30 that the records be disclosed only:
 31 (i) to qualified researchers;
 32 (ii) after the passing of a period of years that is specified in
 33 the documents under which the deposit or acquisition is
 34 made; or
 35 (iii) after the death of persons specified at the time of the
 36 acquisition or deposit.
- 37 However, nothing in this subdivision shall limit or affect contracts
 38 entered into by the Indiana state library pursuant to IC 4-1-6-8.

- 1 (17) The identity of any person who contacts the bureau of motor
2 vehicles concerning the ability of a driver to operate a motor
3 vehicle safely and the medical records and evaluations made by
4 the bureau of motor vehicles staff or members of the driver
5 licensing medical advisory board regarding the ability of a driver
6 to operate a motor vehicle safely. However, upon written request
7 to the commissioner of the bureau of motor vehicles, the driver
8 must be given copies of the driver's medical records and
9 evaluations.
- 10 (18) School safety and security measures, plans, and systems,
11 including emergency preparedness plans developed under 511
12 IAC 6.1-2-2.5.
- 13 (19) A record or a part of a record, the public disclosure of which
14 would have a reasonable likelihood of threatening public safety
15 by exposing a vulnerability to terrorist attack. A record described
16 under this subdivision includes:
- 17 (A) a record assembled, prepared, or maintained to prevent,
18 mitigate, or respond to an act of terrorism under IC 35-47-12-1
19 or an act of agricultural terrorism under IC 35-47-12-2;
 - 20 (B) vulnerability assessments;
 - 21 (C) risk planning documents;
 - 22 (D) needs assessments;
 - 23 (E) threat assessments;
 - 24 (F) intelligence assessments;
 - 25 (G) domestic preparedness strategies;
 - 26 (H) the location of community drinking water wells and
27 surface water intakes;
 - 28 (I) the emergency contact information of emergency
29 responders and volunteers;
 - 30 (J) infrastructure records that disclose the configuration of
31 critical systems such as communication, electrical, ventilation,
32 water, and wastewater systems; and
 - 33 (K) detailed drawings or specifications of structural elements,
34 floor plans, and operating, utility, or security systems, whether
35 in paper or electronic form, of any building or facility located
36 on an airport (as defined in IC 8-21-1-1) that is owned,
37 occupied, leased, or maintained by a public agency. A record
38 described in this clause may not be released for public

1 inspection by any public agency without the prior approval of
 2 the public agency that owns, occupies, leases, or maintains the
 3 airport. The public agency that owns, occupies, leases, or
 4 maintains the airport:

5 (i) is responsible for determining whether the public
 6 disclosure of a record or a part of a record has a reasonable
 7 likelihood of threatening public safety by exposing a
 8 vulnerability to terrorist attack; and

9 (ii) must identify a record described under item (i) and
 10 clearly mark the record as "confidential and not subject to
 11 public disclosure under IC 5-14-3-4(b)(19)(J) without
 12 approval of (insert name of submitting public agency)".

13 This subdivision does not apply to a record or portion of a record
 14 pertaining to a location or structure owned or protected by a
 15 public agency in the event that an act of terrorism under
 16 IC 35-47-12-1 or an act of agricultural terrorism under
 17 IC 35-47-12-2 has occurred at that location or structure, unless
 18 release of the record or portion of the record would have a
 19 reasonable likelihood of threatening public safety by exposing a
 20 vulnerability of other locations or structures to terrorist attack.

21 (20) The following personal information concerning a customer
 22 of a municipally owned utility (as defined in IC 8-1-2-1):

23 (A) Telephone number.

24 (B) Address.

25 (C) Social Security number.

26 (21) The following personal information about a complainant
 27 contained in records of a law enforcement agency:

28 (A) Telephone number.

29 (B) The complainant's address. However, if the complainant's
 30 address is the location of the suspected crime, infraction,
 31 accident, or complaint reported, the address shall be made
 32 available for public inspection and copying.

33 (22) Notwithstanding subdivision (8)(A), the name,
 34 compensation, job title, business address, business telephone
 35 number, job description, education and training background,
 36 previous work experience, or dates of first employment of a law
 37 enforcement officer who is operating in an undercover capacity.

38 (23) Records requested by an offender that:

- 1 (A) contain personal information relating to:
 2 (i) a correctional officer (as defined in IC 5-10-10-1.5);
 3 (ii) the victim of a crime; or
 4 (iii) a family member of a correctional officer or the victim
 5 of a crime; or
 6 (B) concern or could affect the security of a jail or correctional
 7 facility.

8 (c) Nothing contained in subsection (b) shall limit or affect the right
 9 of a person to inspect and copy a public record required or directed to
 10 be made by any statute or by any rule of a public agency.

11 (d) Notwithstanding any other law, a public record that is classified
 12 as confidential, other than a record concerning an adoption or patient
 13 medical records, shall be made available for inspection and copying
 14 seventy-five (75) years after the creation of that record.

15 (e) Only the content of a public record may form the basis for the
 16 adoption by any public agency of a rule or procedure creating an
 17 exception from disclosure under this section.

18 (f) Except as provided by law, a public agency may not adopt a rule
 19 or procedure that creates an exception from disclosure under this
 20 section based upon whether a public record is stored or accessed using
 21 paper, electronic media, magnetic media, optical media, or other
 22 information storage technology.

23 (g) Except as provided by law, a public agency may not adopt a rule
 24 or procedure nor impose any costs or liabilities that impede or restrict
 25 the reproduction or dissemination of any public record.

26 (h) Notwithstanding subsection (d) and section 7 of this chapter:
 27 (1) public records subject to IC 5-15 may be destroyed only in
 28 accordance with record retention schedules under IC 5-15; or
 29 (2) public records not subject to IC 5-15 may be destroyed in the
 30 ordinary course of business.

31 SECTION 2. IC 5-20-1-4, AS AMENDED BY P.L.105-2009,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2011]: Sec. 4. (a) The authority has all of the powers
 34 necessary or convenient to carry out and effectuate the purposes and
 35 provisions of this chapter, including the power:

36 (1) to make or participate in the making of construction loans for
 37 multiple family residential housing under terms that are approved
 38 by the authority;

- 1 (2) to make or participate in the making of mortgage loans for
2 multiple family residential housing under terms that are approved
3 by the authority;
- 4 (3) to purchase or participate in the purchase from mortgage
5 lenders of mortgage loans made to persons of low and moderate
6 income for residential housing;
- 7 (4) to make loans to mortgage lenders for the purpose of
8 furnishing funds to such mortgage lenders to be used for making
9 mortgage loans for persons and families of low and moderate
10 income. However, the obligation to repay loans to mortgage
11 lenders shall be general obligations of the respective mortgage
12 lenders and shall bear such date or dates, shall mature at such
13 time or times, shall be evidenced by such note, bond, or other
14 certificate of indebtedness, shall be subject to prepayment, and
15 shall contain such other provisions consistent with the purposes
16 of this chapter as the authority shall by rule or resolution
17 determine;
- 18 (5) to collect and pay reasonable fees and charges in connection
19 with making, purchasing, and servicing of its loans, notes, bonds,
20 commitments, and other evidences of indebtedness;
- 21 (6) to acquire real property, or any interest in real property, by
22 conveyance, including purchase in lieu of foreclosure, or
23 foreclosure, to own, manage, operate, hold, clear, improve, and
24 rehabilitate such real property and sell, assign, exchange, transfer,
25 convey, lease, mortgage, or otherwise dispose of or encumber
26 such real property where such use of real property is necessary or
27 appropriate to the purposes of the authority;
- 28 (7) to sell, at public or private sale, all or any part of any mortgage
29 or other instrument or document securing a construction loan, a
30 land development loan, a mortgage loan, or a loan of any type
31 permitted by this chapter;
- 32 (8) to procure insurance against any loss in connection with its
33 operations in such amounts and from such insurers as it may deem
34 necessary or desirable;
- 35 (9) to consent, subject to the provisions of any contract with
36 noteholders or bondholders which may then exist, whenever it
37 deems it necessary or desirable in the fulfillment of its purposes
38 to the modification of the rate of interest, time of payment of any

- 1 installment of principal or interest, or any other terms of any
2 mortgage loan, mortgage loan commitment, construction loan,
3 loan to lender, or contract or agreement of any kind to which the
4 authority is a party;
- 5 (10) to enter into agreements or other transactions with any
6 federal, state, or local governmental agency for the purpose of
7 providing adequate living quarters for such persons and families
8 in cities and counties where a need has been found for such
9 housing;
- 10 (11) to include in any borrowing such amounts as may be deemed
11 necessary by the authority to pay financing charges, interest on
12 the obligations (for a period not exceeding the period of
13 construction and a reasonable time thereafter or if the housing is
14 completed, two (2) years from the date of issue of the
15 obligations), consultant, advisory, and legal fees and such other
16 expenses as are necessary or incident to such borrowing;
- 17 (12) to make and publish rules respecting its lending programs
18 and such other rules as are necessary to effectuate the purposes of
19 this chapter;
- 20 (13) to provide technical and advisory services to sponsors,
21 builders, and developers of residential housing and to residents
22 and potential residents, including housing selection and purchase
23 procedures, family budgeting, property use and maintenance,
24 household management, and utilization of community resources;
- 25 (14) to promote research and development in scientific methods
26 of constructing low cost residential housing of high durability;
- 27 (15) to encourage community organizations to participate in
28 residential housing development;
- 29 (16) to make, execute, and effectuate any and all agreements or
30 other documents with any governmental agency or any person,
31 corporation, association, partnership, limited liability company,
32 or other organization or entity necessary or convenient to
33 accomplish the purposes of this chapter;
- 34 (17) to accept gifts, devises, bequests, grants, loans,
35 appropriations, revenue sharing, other financing and assistance
36 and any other aid from any source whatsoever and to agree to, and
37 to comply with, conditions attached thereto;
- 38 (18) to sue and be sued in its own name, plead and be impleaded;

- 1 (19) to maintain an office in the city of Indianapolis and at such
- 2 other place or places as it may determine;
- 3 (20) to adopt an official seal and alter the same at pleasure;
- 4 (21) to adopt and from time to time amend and repeal bylaws for
- 5 the regulation of its affairs and the conduct of its business and to
- 6 prescribe rules and policies in connection with the performance
- 7 of its functions and duties;
- 8 (22) to employ fiscal consultants, engineers, attorneys, real estate
- 9 counselors, appraisers, and such other consultants and employees
- 10 as may be required in the judgment of the authority and to fix and
- 11 pay their compensation from funds available to the authority
- 12 therefor;
- 13 (23) notwithstanding IC 5-13, but subject to the requirements of
- 14 any trust agreement entered into by the authority, to invest:
 - 15 (A) the authority's money, funds, and accounts;
 - 16 (B) any money, funds, and accounts in the authority's custody;
 - 17 and
 - 18 (C) proceeds of bonds or notes;
- 19 in the manner provided by an investment policy established by
- 20 resolution of the authority;
- 21 (24) to make or participate in the making of construction loans,
- 22 mortgage loans, or both, to individuals, partnerships, limited
- 23 liability companies, corporations, and organizations for the
- 24 construction of residential facilities for individuals with a
- 25 developmental disability or for individuals with a mental illness
- 26 or for the acquisition or renovation, or both, of a facility to make
- 27 it suitable for use as a new residential facility for individuals with
- 28 a developmental disability or for individuals with a mental illness;
- 29 (25) to make or participate in the making of construction and
- 30 mortgage loans to individuals, partnerships, corporations, limited
- 31 liability companies, and organizations for the construction,
- 32 rehabilitation, or acquisition of residential facilities for children;
- 33 (26) to purchase or participate in the purchase of mortgage loans
- 34 from:
 - 35 (A) public utilities (as defined in IC 8-1-2-1); or
 - 36 (B) municipally owned gas utility systems organized under
 - 37 IC 8-1.5;
- 38 if those mortgage loans were made for the purpose of insulating

- 1 and otherwise weatherizing single family residences in order to
 2 conserve energy used to heat and cool those residences;
- 3 (27) to provide financial assistance to mutual housing
 4 associations (IC 5-20-3) in the form of grants, loans, or a
 5 combination of grants and loans for the development of housing
 6 for low and moderate income families;
- 7 (28) to service mortgage loans made or acquired by the authority
 8 and to impose and collect reasonable fees and charges in
 9 connection with such servicing;
- 10 (29) subject to the authority's investment policy, to enter into
 11 swap agreements (as defined in IC 8-9.5-9-4) in accordance with
 12 IC 8-9.5-9-5 and IC 8-9.5-9-7;
- 13 (30) to promote and foster community revitalization through
 14 community services and real estate development;
- 15 (31) to coordinate and establish linkages between governmental
 16 and other social services programs to ensure the effective delivery
 17 of services to low income individuals and families, including
 18 individuals or families facing or experiencing homelessness;
- 19 (32) to cooperate with local housing officials and plan
 20 commissions in the development of projects that the officials or
 21 commissions have under consideration;
- 22 **(33) to develop a list of documents that a creditor and debtor**
 23 **are required to exchange before attending a settlement**
 24 **conference under IC 32-30-10.5-10;**
- 25 ~~(33)~~ (34) to take actions necessary to implement its powers that
 26 the authority determines to be appropriate and necessary to ensure
 27 the availability of state or federal financial assistance; and
- 28 ~~(34)~~ (35) to administer any program or money designated by the
 29 state or available from the federal government or other sources
 30 that is consistent with the authority's powers and duties.
- 31 The omission of a power from the list in this subsection does not imply
 32 that the authority lacks that power. The authority may exercise any
 33 power that is not listed in this subsection but is consistent with the
 34 powers listed in this subsection to the extent that the power is not
 35 expressly denied by the Constitution of the State of Indiana or by
 36 another statute.
- 37 (b) The authority shall ensure that a mortgage loan acquired by the
 38 authority under subsection (a)(3) or made by a mortgage lender with

1 funds provided by the authority under subsection (a)(4) is not
 2 knowingly made to a person whose adjusted family income, as
 3 determined by the authority, exceeds one hundred twenty-five percent
 4 (125%) of the median income for the geographic area involved.
 5 However, if the authority determines that additional encouragement is
 6 needed for the development of the geographic area involved, a
 7 mortgage loan acquired or made under subsection (a)(3) or (a)(4) may
 8 be made to a person whose adjusted family income, as determined by
 9 the authority, does not exceed one hundred forty percent (140%) of the
 10 median income for the geographic area involved. The authority shall
 11 establish procedures that the authority determines are appropriate to
 12 structure and administer any program conducted under subsection
 13 (a)(3) or (a)(4) for the purpose of acquiring or making mortgage loans
 14 to persons of low or moderate income. In determining what constitutes
 15 low income, moderate income, or median income for purposes of any
 16 program conducted under subsection (a)(3) or (a)(4), the authority shall
 17 consider:

18 (1) the appropriate geographic area in which to measure income
 19 levels; and

20 (2) the appropriate method of calculating low income, moderate
 21 income, or median income levels including:

22 (A) sources of;

23 (B) exclusions from; and

24 (C) adjustments to;

25 income.

26 (c) The authority, when directed by the governor, shall administer
 27 programs and funds under 42 U.S.C. 1437 et seq.

28 (d) The authority shall identify, promote, assist, and fund:

29 (1) home ownership education programs; and

30 (2) mortgage foreclosure counseling and education programs
 31 under IC 5-20-6;

32 conducted throughout Indiana by nonprofit counseling agencies that the
 33 authority has certified, or by any other public, private, or nonprofit
 34 entity in partnership with a nonprofit agency that the authority has
 35 certified, using funds appropriated under section 27 of this chapter. The
 36 attorney general and the entities listed in IC 4-6-12-4(a)(1) through
 37 IC 4-6-12-4(a)(10) shall cooperate with the authority in implementing
 38 this subsection.

- 1 (e) The authority shall:
- 2 (1) oversee and encourage a regional homeless delivery system
- 3 that:
- 4 (A) considers the need for housing and support services;
- 5 (B) implements strategies to respond to gaps in the delivery
- 6 system; and
- 7 (C) ensures individuals and families are matched with optimal
- 8 housing solutions;
- 9 (2) facilitate the dissemination of information to assist individuals
- 10 and families accessing local resources, programs, and services
- 11 related to homelessness, housing, and community development;
- 12 and
- 13 (3) each year, estimate and reasonably determine the number of
- 14 the following:
- 15 (A) Individuals in Indiana who are homeless.
- 16 (B) Individuals in Indiana who are homeless and less than
- 17 eighteen (18) years of age.
- 18 (C) Individuals in Indiana who are homeless and not residents
- 19 of Indiana."

20 Page 2, delete lines 29 through 40, begin a new paragraph and

21 insert:

22 "SECTION 5. IC 32-30-10.5-5, AS ADDED BY P.L.105-2009,

23 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

24 JULY 1, 2011]: Sec. 5. As used in this chapter, "mortgage" means a

25 loan in which a first mortgage; ~~or a land contract that constitutes a first~~

26 ~~lien~~; is created or retained against land upon which there is a dwelling

27 that is or will be used by the debtor primarily for personal, family, or

28 household purposes. **The term does not include a land contract or**

29 **similar agreement in which the debtor does not possess a deed."**

30 Page 4, line 22, delete "of the following:" and insert "**that**,".

31 Page 4, line 23, delete "(1) For" and insert "**for**".

32 Page 4, line 24, delete "that".

33 Page 4, run in lines 22 through 32.

34 Page 4, delete lines 33 through 42.

35 Page 5, delete lines 1 through 6.

36 Page 5, between lines 23 and 24, begin a new line blocked left and

37 insert:

38 "**Notices and debtor contact information required to be**

1 **included with a complaint under this subsection are**
 2 **confidential."**

3 Page 5, between lines 34 and 35, begin a new paragraph and insert:

4 **"(f) This section does not apply if a creditor is not required**
 5 **under subsection (e) to send the notices described in this section. As**
 6 **soon as practicable after a creditor files an action to foreclose a**
 7 **mortgage, the court shall send a notice informing the defendant**
 8 **that:**

9 **(1) a settlement conference between the defendant and**
 10 **plaintiff will be scheduled by the court under section 10 of this**
 11 **chapter; and**

12 **(2) the foreclosure action may not proceed until the settlement**
 13 **conference has taken place, subject to the defendant's right to**
 14 **opt out of the settlement conference under section 10(b)(2) of**
 15 **this chapter subject to section 9(b) of this chapter."**

16 Page 6, line 13, delete "court shall issue a stay in the proceedings"
 17 and insert "**court, notwithstanding Indiana Trial Rule 56, stay the**
 18 **granting of any dispositive motion"**.

19 Page 6, delete lines 36 through 42, begin a new paragraph and
 20 insert:

21 **"(c) If the defendant requests a settlement conference under**
 22 **section 9 of this chapter, the court shall treat the request as the**
 23 **entry of an appearance under Indiana Trial Rule 3.1(B)."**

24 Page 7, delete lines 1 through 14.

25 Page 9, line 28, delete "Subject to subdivision (2), order" and insert
 26 "Order".

27 Page 9, line 31, strike "twenty-five (25)" and insert "**forty (40)**".

28 Page 9, delete lines 35 through 42.

29 Page 10, delete lines 1 through 3.

30 Page 10, line 4, reset in roman "(2)".

31 Page 10, line 4, delete "(3)".

32 Page 10, line 8, reset in roman "(3)".

33 Page 10, line 8, delete "(4)".

34 Page 10, line 8, strike "to bring to the settlement conference" and
 35 insert "**and the creditor to exchange, at least thirty (30) days before**
 36 **the date of the settlement conference, the documents contained on**
 37 **the Indiana housing and community development authority's**
 38 **settlement list under IC 5-20-1-4."**

- 1 Page 10, strike lines 9 through 12.
- 2 Page 10, line 13, delete "(i)".
- 3 Page 10, line 13, strike "income,".
- 4 Page 10, line 13, delete "including documentation of the debtor's".
- 5 Page 10, delete line 14.
- 6 Page 10, line 15, delete "(ii)".
- 7 Page 10, line 15, strike "expenses;".
- 8 Page 10, line 16, delete "(iii)".
- 9 Page 10, line 16, strike "assets; and".
- 10 Page 10, line 17, delete "(iv)".
- 11 Page 10, line 17, strike "liabilities.".
- 12 Page 10, strike lines 19 through 24.
- 13 Page 10, line 25, delete "(5)".
- 14 Page 10, line 25, strike "Require the creditor to bring to the
- 15 settlement conference".
- 16 Page 10, strike lines 26 through 32.
- 17 Page 10, line 33, delete "(6)" and insert "**(4)**".
- 18 Page 10, line 40, delete "(7)" and insert "**(5)**".
- 19 Page 11, line 18, delete ":".
- 20 Page 11, delete lines 19 through 22.
- 21 Page 11, line 23, delete "(3)" and insert "**costs to a creditor**
- 22 **associated with the use of a third party mediator or**".
- 23 Page 11, line 23, delete ";".

- 1 Page 11, run in lines 18 through 25.
- 2 Renumber all SECTIONS consecutively.
(Reference is to SB 582 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

Bray

Chairperson