

REPRESENTATIVE FOR PETITIONER: Milo Smith, Tax Representative

REPRESENTATIVE FOR RESPONDENT: Marilyn Meighen, Attorney-at-Law

**BEFORE THE
INDIANA BOARD OF TAX REVIEW**

McDonald's Corporation and)	Petitions No.: 73-002-06-1-4-72423
McDonald's Real Estate Co.,)	73-002-06-1-4-72424
)	
Petitioners,)	
)	Parcels: 73-11-04-100-100.000-002
)	73-07-29-100-021.000-002
v.)	
)	Shelby County
Shelby County Assessor,)	Addison Township
)	2006 Assessment
Respondent.)	

Appeal from the Final Determination of the
Shelby County Property Tax Assessment Board of Appeals

January 22, 2010

FINAL DETERMINATION

The Indiana Board of Tax Review (Board) has reviewed the evidence and arguments presented in this case. The Board now enters its findings of fact and conclusions of law.

ISSUES

The Petitioners seek reductions in the 2006 real property assessments for two fast food restaurants. Did the Petitioners prove that their properties are assessed for more than market value-in-use and did they prove what a more accurate valuation would be? Did the Petitioners prove that the assessments of their two properties violate uniformity and equality requirements?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

HEARING FACTS AND OTHER MATTERS OF RECORD

1. The subject properties are two McDonald's fast food restaurants located on State Road 44 and State Road 9 in Shelbyville.
2. The Petitioners initiated an assessment appeal with the Shelby County Property Tax Assessment Board of Appeals (PTABOA) by filing a Form 130 for each property. The PTABOA mailed its decisions on September 29, 2008. The Petitioners then filed a Form 131 for each property with the Board.
3. For parcel 73-11-04-100-100.000-002, the PTABOA determined the assessed value is \$195,000 for land and \$598,600 for improvements (total \$793,600). The Petitioners contend the total should be only \$505,580 for that parcel.
4. For parcel 73-07-29-100-021.000-002, the PTABOA determined the assessed value is \$197,200 for land and \$526,200 for improvements (total \$723,400). The Petitioners, however, contend this total should be \$501,700.
5. Administrative Law Judge Kay Schwade held a hearing for these petitions on October 27, 2009. There was no on-site inspection of the properties by the Administrative Law Judge or the Board.
6. The following persons were sworn as witnesses and testified at the hearing:
 - For the Petitioner – Milo Smith,
 - For the Respondent – Bradley A. Berkemeier,
Jeff Wuensch.

7. The Petitioners presented the following exhibits:

- Petitioner Exhibit 1 – Summary of Contentions,
- Petitioner Exhibit 2 – Statewide Fast Food Restaurant Sales Spreadsheet,
- Petitioner Exhibit 2M – A copy of Exhibit 2 with four sales highlighted,
- Petitioner Exhibit 3S – Parcel Detail for 7343 Indianapolis Blvd., Hammond,
(Sale 1 on Ex. 2M),
- Petitioner Exhibit 4S – Parcel Detail for 2507 Progress Pkwy, Shelbyville,
(Sale 2 on Ex. 2M),
- Petitioner Exhibit 5S – Parcel Detail for 6291 Central Ave., Portage,
(Sale 3 on Ex. 2M),
- Petitioner Exhibit 6S – Parcel Detail for 8640 N. Michigan Rd., Indianapolis,
(Sale 4 on Ex. 2M),
- Petitioner Exhibit 7 – Annual Adjustment of Assessed Values Fact Sheet,
- Petitioner Exhibit 8 – Marshall Swift Valuation Service cost table for fast food
restaurants,
- Petitioner Exhibit 8P – Marshall Swift Valuation Service fast food classification
photographs,
- Petitioner Exhibit 9 – Actual Age to Effective Age Conversion Table,
- Petitioner Exhibit 10 – Page 36, Appendix F, from the Guidelines,
- Petitioner Exhibit 11 – Page 37, Appendix F, from the Guidelines,
- Petitioner Exhibit 12 – Special Use Commercial Property Depreciation Schedule,
Table F-8, from the Guidelines,
- Petitioner Exhibit 13 – Joint memorandum regarding appeals issued by the
Department of Local Government Finance and the Indiana
Board of Tax Review dated August 24, 2007,
- Petitioner Exhibit 14 – Memorandum from J. Barry Wood regarding Annual
Adjustment (“Trending”) Guidance.

8. The Respondent presented the following exhibits:

- Respondent Exhibit A – Parcel 73-11-04-100-100.000-002 property record card,
- Respondent Exhibit B – Parcel 73-07-29-100-021.000-002 property record card,
- Respondent Exhibit C – Statewide Fast Food Restaurant Sales Spreadsheet and
supporting documentation,
- Respondent Exhibit D – Loopnet.com information for fast food restaurants,
- Respondent Exhibit E – *The Valuation of Fast Food Restaurants*, by J. Scott
Renne,
- Respondent Exhibit F – Letter from Milo Smith to Marilyn Meighen dated
October 13, 2009, with attachments,
- Respondent Exhibit G – Sales disclosure form dated November 1, 1995.

9. The following additional items are recognized as part of the record:

- Board Exhibit A – The Form 131 petitions,
- Board Exhibit B – Notices of Hearing,
- Board Exhibit C – Hearing Sign-In Sheet.

SUMMARY OF THE PETITIONERS' CASE

10. At the PTABOA hearing, the Respondent offered a State Wide Fast Food Restaurant Sales Spreadsheet, now identified as Petitioners' Exhibit 2, as support for the disputed assessments. The Spreadsheet, however, does not support the current assessment and it should not be the basis for assessing the subject properties. *Smith testimony; Pet'r Ex. 1.*
11. Four sales highlighted on the Spreadsheet are assessed between 16% and 49% of sale price.
- The Arby's restaurant at 7343 Indianapolis Boulevard in Hammond sold for \$1,115,000 in October 2005. The 2007 assessment for that property is \$470,200. That assessment is 42% of the sale price.
 - The Captain D's restaurant at 2507 Progress Parkway in Shelbyville sold for \$1,205,500 in September 2006. The 2007 assessment for it is \$591,600. That assessment is 49% of the sale price.
 - The Pizza Hut at 6291 Central Avenue in Portage sold for \$1,400,000 in December 2004. Its 2007 assessment is \$229,000. That assessment is only 16% of the sale price.
 - The Steak-n-Shake restaurant at 8640 Michigan Road in Indianapolis sold for \$1,600,000 in December 2005. The 2007 assessment for it is \$421,400. That assessment is 26% of its sale price.

Based on this data, the assessed value for the subject properties should be between \$591,000 and \$229,000 to achieve a uniform assessment. *Smith testimony; Pet'r Ex. 1, 2, 2M, 3S, 4S, 5S, 6S.*

12. These assessed values show that comparable fast food properties are assessed differently than the subject properties. These comparable properties are assessed at a fraction of their sale prices. Specifically, the Captain D's property in Shelbyville is assessed at 49% of its sale price. It demonstrates that assessments are not uniform or equal. *Smith testimony; Pet'r Ex. 1, 3S, 4S, 5S, 6S.*

13. Although the Department of Local Government Finance memo indicates the sales ratio study for Shelby County was approved, it does not provide any indication that Shelby County had approval to use sales outside of the county for trending. Trending requires assessors to research the sales of properties in a particular area and use that information to estimate the values of other properties in the same area. *Smith testimony; Pet'r Ex. 7.*
14. After February 28, 2002, all real property must be assessed according to the 2002 Reassessment Manual. The introduction in the 2002 Real Property Assessment Guidelines – Version A states that the primary method for valuing real property is the cost approach to value. *Smith testimony; Pet'r Ex. 1.*
15. The subject properties could be rebuilt new for much less than their current assessments. The subject properties are representative of what Marshall Swift Valuation Service (MSVS) would consider to be Good Class C or D fast food restaurants. Using the MSVS cost tables for fast food restaurants, the subject properties could be rebuilt new for \$133.80 per square foot, but their assessed values are per square foot of \$157.21. *Smith testimony; Pet'r Ex. 1, 8, 8P.*
16. The subject properties are special purpose buildings. Special purpose structures go out of style both functionally and economically at a faster rate than they physically deteriorate due to changes in consumer preferences and demand. Because the obsolescence caused by these factors influences the life span of these buildings, the actual age must be converted to an effective age following the Guidelines. *Smith testimony; Pet'r Ex. 1, 9, 10, 11, 12.*
17. The effective age for the subject properties should be 1994. The effective age of the subject properties was improperly changed to reach a “bottom line value.” The Annual Adjustment Guidance memo explains that for sold parcels characteristics such as additional outbuildings or square footage may be changed to update assessed values, but items such as effective age, grade, or condition of a sold parcel may not be updated unless similar updates are performed on unsold parcels. *Smith testimony; Pet'r Ex. 1, 14.*

18. A property's income and expenses may be used to establish an assessed value if it is an investment property, but the subject properties are not investment properties. The subject properties are used to "make a living." Their income and expenses are not relevant to their assessed value. *Smith testimony.*

SUMMARY OF THE RESPONDENT'S CASE

19. Prior to 2002, the assessment system was primarily a cost basis or "cook book" system. Under that system, issues such as effective age or grade were paramount. Starting in 2002, the system changed to a market value-in-use system that uses objectively verifiable data and employs the three approaches to value. Only pointing to potential mistakes or errors in methodology are not enough to make a case. In *P/A Builders* the Tax Court held the manipulation of certain assessment elements does not invalidate a property's "bottom line" value. *Meighen argument.*
20. Just looking at assessed values and saying one is treated differently than others is not enough to show disuniformity and inequality. In *Westfield Golf* the Tax Court held that statistical studies were needed to show disuniformity and inequality. *Meighen argument.*
21. The Shelby County Assessor does not have the authority to regulate assessments in other jurisdictions across the state. *Meighen argument.*
22. The Spreadsheet is an analysis of the sales of fast food restaurants throughout the state. The sales data was obtained through LoopNet.com, which is a website that provides sales data for properties state-wide. LoopNet.com also provides net operating income information and capitalization rates state-wide. *Berkemeier testimony; Resp't Ex. C, D.*
23. The McDonald's restaurant located on State Road 44 is assessed at \$212 per square foot. The McDonald's restaurant located on State Road 9 is assessed at \$192 per square foot. The Spreadsheet shows that only one fully functioning fast food restaurant state-wide

sold for less than \$192 per square foot—and that sale was \$191 per square foot. Only the properties indicated as “vacant” or “former” sold for less than \$192 per square foot.

Berkemeier testimony; Resp’t Ex. C.

24. The average (mean) sale price is \$967,000 or \$380 per square foot. The middle (median) sale price is \$914,400 or \$363 per square foot. On a square foot basis, the assessments of the subject properties are less than both the mean and the median of those sales.

Berkemeier testimony; Resp’t Ex. C.

25. The State Road 44 Property is owned by someone in Greenfield and the State Road 9 Property is owned by an entity in Chicago. It is not uncommon for fast food restaurants to be owned by out of town investors. State-wide sales are appropriate sales to use when establishing assessed values for fast food restaurants because the state-wide sales better indicate the actions of the buyers and sellers of investment property. *Berkemeier*

testimony; Resp’t Ex. A, B.

26. The basis for developing the Spreadsheet was to examine the sales data available for fast food restaurants as possible support of the assessed values established using the cost approach by comparing the assessed value to the sale price. The data also helped with the income approach to value for fast food restaurants. *Wuensch testimony.*

27. An International Association of Assessing Officials (IAAO) Publication, *The Valuation of Fast Food Restaurants*, addresses valuing fast food restaurants using the income approach. According to it, the income approach is a very common method for assessing fast food restaurants. It explains that one method of estimating market rent for use in the income approach is using a percentage of store sales. *Wuensch testimony; Resp’t Ex. E.*

28. Assuming market rent (potential gross income) would be between 6% and 8% of store sales and the income/expense data provided by the Petitioners, and using a capitalization rate based on LoopNet.com information (median cap rate was 7.3 and mean cap rate was 7.4), the indicated value for each property is \$1,500,000 using the income approach. The

indicated value for each property based on the cost approach is \$1,400,000. The basis for the assessed values was the cost approach, but this income approach provides supplemental support for the valuation. *Wuensch testimony; Resp't Ex. D, E, F.*

29. The sale of the former Captain D's restaurant listed in the Spreadsheet was not used for the 2006 annual adjustment because it sold in September 2006. Additionally, the Captain D's sale would not be a valid sale for use in either trending or the ratio study because the transaction included a subsequent use change where the restaurant was converted to a bank. *Wuensch testimony.*

ADMINISTRATIVE REVIEW AND BURDEN

30. A Petitioner seeking review of a determination of an assessing official has the burden to establish a prima facie case proving that the current assessment is incorrect and specifically what the correct assessment would be. *See Meridian Towers East & West v. Washington Twp. Assessor*, 805 N.E.2d 475, 478 (Ind. Tax Ct. 2003); *see also, Clark v. State Bd. of Tax Comm'rs*, 694 N.E.2d 1230 (Ind. Tax Ct. 1998).
31. In making a case, the taxpayer must explain how each piece of evidence is relevant to the requested assessment. *See Indianapolis Racquet Club, Inc. v. Washington Twp. Assessor*, 802 N.E.2d 1018, 1022 (Ind. Tax Ct. 2004) (“[I]t is the taxpayer's duty to walk the Indiana Board . . . through every element of the analysis”).
32. Once the Petitioner establishes a prima facie case, the burden shifts to the assessing official to rebut the Petitioner's evidence. *See American United Life Ins. Co. v. Maley*, 803 N.E.2d 276 (Ind. Tax Ct. 2004). The assessing official must offer evidence that impeaches or rebuts the Petitioner's evidence. *Id.*; *Meridian Towers*, 805 N.E.2d at 479.

ANALYSIS

ISSUE 1—DID THE PETITIONERS PROVE THAT THEIR PROPERTIES ARE ASSESSED FOR MORE THAN MARKET VALUE-IN-USE AND DID THEY PROVE WHAT A MORE ACCURATE VALUATION WOULD BE?

33. Real property is assessed on the basis of its “true tax value,” which does not mean fair market value. It means “the market value-in-use of a property for its current use, as reflected by the utility received by the owner of a similar user, from the property.” Ind. Code § 6-1.1-31-6(c); REAL PROPERTY ASSESSMENT MANUAL at 2 (incorporated by reference at 50 IAC 2.3-1-2). There are three generally accepted techniques to calculate market value-in-use: the cost approach, the sales comparison approach, and the income approach. The primary method for assessing officials to determine market value-in-use is the cost approach. MANUAL at 3. To that end, Indiana promulgated a series of guidelines that explain the application of the cost approach. REAL PROPERTY ASSESSMENT GUIDELINES FOR 2002 – VERSION A. The value established by use of the Guidelines, while presumed to be accurate, is merely a starting point. A taxpayer is permitted to offer evidence relevant to market value-in-use to rebut that presumption. Such evidence may include actual construction costs, sales information regarding the subject or comparable properties, appraisals, and any other information compiled in accordance with generally accepted appraisal principles. MANUAL at 5.
34. Part of the Petitioners’ case attempted to prove that the Guidelines for special purpose buildings (fast food restaurants) were not correctly applied in determining the assessments for the subject properties. Petitioner Exhibits 9-12 include tables and other information from the Guidelines about depreciation for special purpose buildings such as the subject properties. Table F-8 shows the amount of depreciation based on the effective age of the property. Table F-2 shows effective age to be a function of actual age and condition. The summary of improvements sections on the property record cards (Respondent Exhibits A and B) indicate that one restaurant was actually built in 1974 and the other was actually built in 1994. Both show an effective year of construction as being 2005. Mr. Smith testified that the effective age should have been 1994, but that testimony was merely a conclusion that is not supported by any facts. Such conclusory

testimony is not probative evidence. Nobody presented probative evidence about what the effective age of either restaurant really should be. Nevertheless, it is clear that if the actual years of construction shown on the property record cards are correct, even the best possible condition shown on Table F-2 (excellent) would not result in an effective year of construction as shown on the property record card. If the assessed values had been calculated pursuant to the Guidelines' methodology, some degree of depreciation would have been appropriate. Because no depreciation is shown on the property record cards, one must conclude that the current assessments for the subject properties probably are not strictly based on the Guidelines' methodology.¹ That conclusion, however, does not necessarily mean that the assessments must be changed. *See P/A Builders & Developers, LLC v. Jennings Co. Assessor*, 842 N.E.2d 899, 900 (Ind. Tax Ct. 2006) (assessing officials are not limited to applying the cost approach in the Guidelines—they may make adjustments that make the valuation more accurate).

35. Failure to comply with the Guidelines does not itself show that an assessment is not a reasonable measure of value. Ind. Admin. Code tit. 50, r. 2.3-1-1(d). The Tax Court has held that a taxpayer cannot make a case by focusing strictly on an assessor's methodology and challenging application of the Guidelines. To successfully make a case, a taxpayer must show through market-based evidence that the assessment does not accurately reflect market value-in-use. *See O'Donnell v. Dep't of Local Gov't Fin.*, 854 N.E.2d 90, 94-95 (Ind. Tax Ct. 2006); *Eckerling v. Wayne Twp. Assessor*, 841 N.E.2d 674, 678 (Ind. Tax Ct. 2006).
36. As previously discussed, cost is one of the market-based approaches to valuation. The Petitioners presented MSVS data about the cost to build a new fast food restaurant. Petitioner Exhibit 8 shows the MSVS data for four classes and sixteen types of fast food restaurants. Petitioner Exhibit 8P shows photographs of several C and D rated properties as examples. Mr. Smith testified that the subject properties are good class C or D, and

¹ Except for what is shown on the property record cards, no evidence about how the current assessed values actually were determined was presented by either party. The significance of this point, however, is diminished where the Petitioners failed to make a prima facie case for any assessment change and the responsibility of presenting evidence to support the current assessments never shifted to the Respondent.

therefore, according to MSVS the cost to build them new would be \$133.80 per square foot. The record, however, contains virtually no specific facts about the subject properties that relate to those classifications. Mr. Smith merely stated that pictures 75, 76, and 77 are similar to the subject properties in workmanship, materials, and design. Such conclusory statements are not probative evidence. *Whitley Products v. State Bd. of Tax Comm'rs*, 704 N.E.2d 1113, 1119 (Ind. Tax Ct. 1998) (stating that conclusory statements do not qualify as probative evidence). Mr. Smith failed to establish how or why the subject properties' characteristics are representative of the building classification he selected. Furthermore, several of the MSVS classifications have a much higher cost per square foot than what he selected. The presentation falls short of the type of detailed facts and analysis that might support a legitimate conclusion about building costs for the subject properties. *See Long v. Wayne Twp. Assessor*, 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005)

37. The Petitioners failed to prove that the subject properties are assessed for more than what the market value-in-use actually was as of January 1, 2005. The Petitioners also failed to prove what a more accurate market value-in-use might have been for either property as of January 1, 2005.

ISSUE 2—DID THE PETITIONERS PROVE THAT THE ASSESSMENTS OF THEIR TWO PROPERTIES VIOLATE UNIFORMITY AND EQUALITY REQUIREMENTS?

38. Although there is no evidence that it was used to help determine the original assessed values for the subject properties, at the PTABOA hearing the Respondent offered a State Wide Fast Food Restaurant Sales Spreadsheet as support for the disputed assessments. The Petitioners offered one version of the document as Exhibit 2. The Respondent offered a slightly different version of the document as Exhibit C. The documents differ, but nobody noted the differences or made any issue about them. Those differences appear to be insignificant.
39. The conclusions that the Petitioners and the Respondent claim can be drawn from the Spreadsheet, however, are tremendously different. According to the Respondent, the

Spreadsheet shows that the current assessments for the subject properties may very well be too low. On the other hand, according to the Petitioners the Spreadsheet does not support the current assessed values and four of the most relevant sales on that list show that similar fast food restaurants are assessed at only a fraction of their selling prices. Consequently, according to the Petitioners the principles of uniformity and equality require the assessed value of the subject properties to be a fraction of their actual market value-in-use.

40. The Petitioners must make a prima facie case for an assessment change before the Respondent's responsibility to present evidence supporting the current assessments is triggered. *Lacy Diversified Indus. v. Dep't of Local Gov't Fin.*, 799 N.E.2d 1215, 1221-1222 (Ind. Tax Ct. 2003). Therefore, the initial question on this part of the case is whether the Petitioners made a prima facie case for their uniformity and equality claim. We conclude that they did not do so for several reasons.²
41. Virtually no probative evidence establishes a basis for comparing the subject properties to the properties on the Spreadsheet, other than the fact that they are (or at one time were) fast food restaurants. *See Long*, 821 N.E.2d at 470-471 (stating that to establish comparability one must explain the characteristics of the subject property, how those characteristics compare to the purportedly comparable properties, and how any differences affect the market value-in-use of the properties). More specifically, the record contains no substantial basis for comparing the Petitioners' two McDonald's restaurants with an Arby's in Hammond, with a Captain D's in Shelbyville, with a former Pizza Hut in Portage, or with a Steak-n-Shake in Indianapolis.
42. According to the Tax Court, "when a taxpayer challenges the uniformity and equality of his or her assessment *one* approach that he or she may adopt involves the presentation of assessment ratio studies, which compare the assessed values of properties within an assessing jurisdiction with objectively verifiable data, such as sales prices or market value-in-use appraisals." *Westfield Golf Practice Center v. Washington Twp. Assessor*,

² We make no determination regarding what support the Spreadsheet might provide for the current assessed values.

859 N.E.2d 396, 399 n.3 (Ind. Tax Ct. 2007). Such studies, however, must be prepared according to professionally acceptable standards. See *Kemp v. State Bd. of Tax Comm'rs*, 726 N.E.2d 395, 404 (Ind. Tax Ct. 2000). Such studies must be based on a statistically reliable sample of properties that actually sold. See *Bishop v. State Bd. of Tax Comm'rs*, 743 N.E.2d 810, 813 (Ind. Tax Ct. 2001) (citing *Southern Bell Tel. and Tel. Co. v. Markham*, 632 So.2d 272, 276 (Fla. Dist. Co. App. 1994)).

43. The Spreadsheet contains data regarding approximately 35 sales from various locations scattered throughout Indiana. From that group, the Petitioners calculated assessment/sale percentages for four sales.

- An Arby's in Hammond assessment is 42% of sale price.
- A Captain D's in Shelbyville assessment is 49% of sale price.
- A former Pizza Hut in Portage assessment is 16% of sale price.
- A Steak-n-Shake in Indianapolis is 26% of sale price.

Then they primarily focused on the 49% ratio in attempting to establish what their assessments would be if they were uniform and equal. But the Petitioners failed to establish that this data constituted a statistically reliable sample or that their proposed assessment/sale ratio was prepared according to professionally acceptable standards. Therefore, the evidence does not prove that for purposes of maintaining uniformity and equality the assessments should only be 49% of market value-in-use.

44. Regardless of what the correct number for the assessment/sale ratio should be, the Petitioners also did not make a case because they failed to prove what the actual market value-in-use of the subject properties is. (This failure was explained earlier in the analysis for issue 1.) A similar claim about lack of uniformity and equality was rejected in *Westfield Golf Practice Center, LLC v. Washington Twp. Assessor*, 859 N.E.2d 396 (Ind. Tax Ct. 2007). Westfield Golf based its argument on the fact that the landing area for its driving range was assessed by using a different base rate than the base rate used to assess the landing areas of other driving ranges. *Id.* at 397-98. That difference, however, did not establish a violation of uniformity and equality requirements. The court explained that “the overreaching goal of Indiana’s new assessment scheme is to measure

a property's value using objectively verifiable data." Westfield Golf did not prove the actual market value-in-use of its property or the other properties. Lacking such proof, there was no evidence that the requirements for uniformity and equality of assessment were violated.

45. The Petitioners' failure to prove the actual market value-in-use of their properties is comparable to that of Westfield Golf and dictates the same outcome.

SUMMARY OF FINAL DETERMINATION

46. The Petitioners failed to make a prima facie case for any assessment change. The Board finds in favor of the Respondent.

Commissioner, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

Commissioner, Indiana Board of Tax Review

- APPEAL RIGHTS -

You may petition for judicial review of this final determination under the provisions of Indiana Code § 6-1.1-15-5, as amended effective July 1, 2007, by P.L. 219-2007, and the Indiana Tax Court's rules. To initiate a proceeding for judicial review you must take the action required within forty-five (45) days of the date of this notice. The Indiana Tax Court Rules are available on the Internet at <<http://www.in.gov/judiciary/rules/tax/index.html>>. The Indiana Code is available on the Internet at <<http://www.in.gov/legislative/ic/code>>. P.L. 219-2007 (SEA 287) is available on the Internet at <<http://www.in.gov/legislative/bills/2007/SE/SE0287.1.html>>