INDIANA BOARD OF TAX REVIEW
Small Claims
Final Determination
Findings and Conclusions

Petition No.: **32-022-08-1-5-00058**
Petitioners: **Douglas Keith and Beverly Kathleen McMichael**
Respondent: **Hendricks County Assessor**
Parcel No.: **32-10-10-420-001.000-022**
Assessment Year: **2008**

The Indiana Board of Tax Review (the Board) issues this determination in the above matter, and finds and concludes as follows:

Procedural History

1. The Petitioners initiated an assessment appeal with the Hendricks County Property Tax Assessment Board of Appeals (the PTABOA) by written document dated August 18, 2009.

2. The PTABOA issued notice of its decision on June 30, 2010.

3. The Petitioners filed a Form 131 petition with the Board on July 26, 2010. The Petitioners elected to have their case heard according to the Board's small claim procedures.

4. The Board issued a notice of hearing to the parties dated April 7, 2011.

5. The Board held an administrative hearing on May 12, 2011, before the duly appointed Administrative Law Judge (the ALJ) Dalene McMillen.

6. The following persons were present and sworn in at hearing:

    a. For Petitioners: Douglas K. McMichael, property owner
    Beverly K. McMichael, property owner

    b. For Respondent:[1] Gail L. Brown, Hendricks County Assessor
    Lester E. Need, PTABOA member

[1] PTABOA members Mr. Gordon McIntyre and Mr. M. Allen Parsons, Jr., were also in attendance but were not sworn in as witnesses to give testimony.

Facts

7. The subject property is a 1,839 square foot house and utility shed located at 6588 Lake Forest Drive, Avon, Washington Township in Hendricks County.

8. The ALJ did not conduct an on-site inspection of the property under appeal.

9. For 2008, the PTABOA determined the assessed value of the property to be $64,300 for the land and $182,200 for the improvements, for a total assessed value of $246,500.

10. The Petitioners requested an assessed value of $52,000 for the land and $170,000 for the improvements, for a total assessed value of $222,000.

Issues

11. Summary of the Petitioners' contentions in support of an alleged error in their property's assessment:

    a. The Petitioners contend that their land is over-valued based on the assessed value of five properties in the area. *McMichael testimony.* According to Mr. McMichael, the base rate of excess residential acreage for 2008 for properties in the area ranged from $6,000 to $7,500 per acre, while the Petitioners' land was assessed for $243 per front foot, or approximately $36,000 per acre. *Id.; Petitioner Exhibits 2 and 3.* Because the excess acreage on comparable properties was assessed lower than the property under appeal, Mr. McMichael argues, there was inequity in assessed values in the area. *D. McMichael testimony.* Moreover, because only one acre of land qualifies for the standard deduction, it created an inequity in the amount of taxes paid in the neighborhood. *D. McMichael testimony.* Thus, Mr. McMichael argues, the Petitioners are entitled to equal treatment. *Id.*

    b. In addition, the Petitioners argue, the assessed value of their house was overstated compared to the assessed values of other houses in their neighborhood. *McMichael testimony.* In support of this contention, Mr. McMichael submitted six property record cards for properties located in the surrounding area. *Id.; Petitioner Exhibit 6.* According to Mr. McMichael, he calculated the assessed value of each house's first floor living area, which ranged from $48.90 to $51.23 per square foot or an average of $50.03; whereas the Petitioners' house's first floor living area was assessed for $52.96 per square foot. *Id.; Petitioner Exhibits 3 and 6.* Accordingly, Mr. McMichael argues, the Petitioners' first floor living area is valued approximately $3.00 per square foot or $6,000 higher than the average assessment of neighboring houses. *Id.*

c. The Petitioners further argue that the size of their lot was incorrectly calculated for the March 1, 2008, assessment. *McMichael testimony.* According to Mr. McMichael, the assessor corrected the size of the Petitioners' lot from 198 feet by 390 feet, or 1.77 acres, to 152 feet by 430 feet, or 1.50 acres, for the March 1, 2011, assessment year which resulted in a reduction in the land's assessed value. *Id.; Petitioner Exhibit 2 and 3.* Thus, Mr. McMichael argues the lot size and assessment should also be corrected for the March 1, 2008, assessment year. *McMichael testimony.*

d. Similarly, the Petitioners contend, the patio and wood deck on the property were assessed in error. *McMichael testimony.* According to Mr. McMichael, the property record card shows a 427 square foot concrete patio located under their wood deck.[2] *Id.; Petitioner Exhibit 3.* While Mr. McMichael argues there is no concrete patio under the wood deck, he admits that there is a 5 foot by 6 foot, or 30 square foot, concrete patio located beside the wood deck. *Id.*

e. Finally, the Petitioners contend that the Respondent's comparable sales analysis is flawed and should be given little weight. *McMichael testimony.* According to Mr. McMichael, all of the Respondent's comparable properties, except for one, have larger houses than the property under appeal. *Id.* Further, the Respondent's comparable properties are lakefront properties; whereas the property under appeal is located across the street from the lake. *Id.* Because lakefront property is worth more than non-lakefront property, Mr. McMichael argues, the county's market data does not accurately reflect the value of the Petitioners' property. *Id.*

12. Summary of the Respondent's contentions in support of the assessment:

a. The Respondent's witness contends that the Petitioners' land is properly assessed. *Need testimony.* According to Mr. Need, the Petitioners' triangular shaped lot was valued in accordance with the Real Property Assessment Manual, which describes the method to determine the effective frontage and depth when calculating an odd shaped lot. *Id.; Respondent Exhibit 1 at 26.* Therefore, Mr. Need argues, the Board should disregard the Petitioners' argument that their lot should be valued on an acreage basis. *Id.*

b. Similarly, the Respondent's witness contends the property under appeal was correctly assessed at $246,500 for the March 1, 2008, assessment. *Need testimony.* According to Mr. Need, the PTABOA acknowledged in 2008 that the Petitioners' property's assessment was in error. *Need testimony; Respondent Exhibit 1at 7, 8 and 11.* Mr. Need testified that the PTABOA reduced the area of the Petitioners' house and wood deck, changed the room type of the basement, added a prefabricated fireplace, concrete patio and open-frame porch, and

[2] The concrete patio is drawn showing it is 427 square feet on the Petitioners' property record card, but it is only being assessed with 426 square feet. *Petitioner Exhibit 2 and 3.*

removed the masonry stoop. *Id.; Respondent Exhibit 3.* While Mr. Need argued that the corrections made by the PTABOA accomplished the goal of bringing the value of the property under appeal in line with the assessed value of other properties in the area, the Respondent admitted that errors remained on the Petitioners' property record card. *Brown testimony.* According to Ms. Brown, the Petitioners' lot size should be corrected to 152 feet by 430 feet or 1.5 acres, the 427 square foot concrete patio located under the wood deck should be removed and a 30 square foot concrete patio added. *Id.* However, Ms. Brown argues that these corrections should not change the property's market value-in-use of $246,500. *Id.*

c. The Respondent's witness further contends that the property's assessment is correct based on the ratio of assessed value to sale price of properties in the area. *Need testimony.* In support of this position, the Respondent's witness submitted assessed values and sale prices of four properties located in and around the Petitioners' neighborhood. *Respondent Exhibits 1 at 18-19 and 2.* According to Mr. Need, the sale prices of nearby properties ranged from $192,500 to $268,000; whereas the assessed values of the properties ranged from $215,000 to $264,500.[3] *Need testimony; Respondent Exhibit 1 at 19 and 31.* Because the sales ratio for the Petitioners' area showed an average assessment to sale ratio of .9247, Mr. Need argues, assessments in the area are "well within the Indiana assessment requirement of 1.1000 to .9000."[4] *Id.* Thus, Mr. Need argues, the evidence shows that properties on average are not over-valued in the Petitioners' area. *Need testimony.*

d. Finally, Mr. Need argues that the Petitioners' method of valuing their property is flawed and should be given little weight. *Need testimony.* According to Mr. Need, although the Petitioners identified separate perceived errors in the assessment of their land and improvements, they failed to establish that the overall market value-in-use of the property was incorrect for the March 1, 2008, assessment. *Need testimony; citing O'Donnell v. Department of Local*

[3] Mr. Need testified that because the properties located at 6579 Lake Forest Drive and 6570 Lake Forest Drive sold in both 2006 and 2007, the county chose to use the 2007 sales information for their sales ratio study. *Need testimony; Respondent Exhibit 1 at 19.*

[4] Mr. Need appears to be referring to the Real Property Assessment Manual which states that "standards for evaluating the accuracy and uniformity of mass appraisal methods have been developed by the assessing community. These standards state the overall level of assessment, as determined by the median assessment ratio, should be within ten percent (10%) of the legal level. In Indiana, this means the median assessment ratio within a jurisdiction should fall between 0.90 (90%) and 1.10 (110%) in order to be considered accurate. This standard of ten percent (10%) on either side of the value provides a reasonable and constructive range for measuring mass appraisal methods." MANUAL at 21.

Government Finance, 854 N.E.2d 90, 95 (Ind. Tax. Ct. 2006) and *Eckerling v. Wayne Township Assessor*, 841 N.E.2d 674, 677 (Ind. Tax Ct. 2006).[5]

Record

13. The official record for this matter is made up of the following:

    a. The Form 131 petition and related attachments.

    b. The digital recording of the hearing.

    c. Exhibits:

Petitioner Exhibit 1 – Petition for Review of Assessment by Local Assessing Official – Property Tax Assessment Board of Appeals – Form 130 and Notification of Final Assessment Determination – Form 115,
Petitioner Exhibit 2 – Two property record cards for the Petitioners' property, dated August 19, 2009, and June 22, 2010, respectively
Petitioner Exhibit 3 – Property record card for the subject property, dated May 10, 2011,
Petitioner Exhibit 4 – Property record card for 6590 Lake Forest Drive, Avon and auditor, treasurer and assessor information for 6590 Lake Forest Drive, Avon and for the subject property,
Petitioner Exhibit 5 – Auditor, treasurer and assessor information for 6626 Lakeshore Drive, Avon, 6564 Lake Forest Drive, Avon, 6534 Lake Forest Drive, Avon, and 6548 Lake Forest Drive, Avon,
Petitioner Exhibit 6 – Property record cards for 6590 Lake Forest Drive, Avon, 6591 Lake Forest Drive, Avon, 6541 Lake Forest Drive, Avon, 6579 Lake Forest Drive, Avon, 6605 Lake Forest Drive, Avon, and 6515 Lake Forest Drive, Avon,

Respondent Exhibit 1 – Respondent's power-point presentation,
Respondent Exhibit 2 – Sales Disclosure Form for 6579 Lake Forest Drive, Avon,

[5] The Respondent's witness also argued that the Petitioners' sales comparable analysis was flawed because property at 6519 Lake Forest Drive sold in 2010 and the property at 6579 Lake Forest Drive sold twice and the Petitioners chose to use the lower sales price without any explanation as to why it was more representative of the property's market value. *Need argument.* The Board notes, however, that Mr. Need was responding to the Petitioners' county level appeal. The Petitioners did not raise a sales comparable argument at their hearing before the Board.

Respondent Exhibit 3 – Petitioners' property's property record card,

Board Exhibit A – Form 131 petition with attachments,
Board Exhibit B – Notice of Hearing,
Board Exhibit C – Hearing sign-in sheet.

d. These Findings and Conclusions.

Analysis

14. The most applicable governing cases are:

a. 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 Township 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).

b. In making its case, the taxpayer must explain how each piece of evidence is relevant to the requested assessment. *See Indianapolis Racquet Club, Inc. v. Washington Township 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").

c. 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 case. *Id; Meridian Towers,* 805 N.E.2d at 479.

15. The Petitioners failed to provide sufficient evidence to establish a prima facie case for a reduction in the assessed value of their property. The Respondent, however, agreed that errors existed in their property's assessment. The Board reached this decision for the following reasons:

a. Indiana assesses real property based on its "true tax value," which the 2002 Real Property Assessment Manual defines as "the market value-in-use of a property for its current use, as reflected by the utility received by the owner or a similar user, for the property." 2002 REAL PROPERTY ASSESSMENT MANUAL (the MANUAL) (incorporated by reference at 50 IAC 2.3-1-2). The appraisal profession traditionally has used three methods to determine a property's market value: the cost approach, the sales comparison approach, and the income approach to value. *Id.* at 3, 13-15. In Indiana, assessing officials generally use a mass appraisal

version of the cost approach, as set forth in the REAL PROPERTY ASSESSMENT GUIDELINES FOR 2002 – VERSION A (incorporated by reference at 50 IAC 2.3-1-2) (the GUIDELINES).

b. A property's market value-in-use, as determined using the Guidelines, is presumed to be accurate. *See* MANUAL at 5; *Kooshtard Property VI, LLC v. White River Township Assessor,* 836 N.E.2d 501, 505 (Ind. Tax Ct. 2005)*; P/A Builders & Developers, LLC v. Jennings County Assessor,* 842 N.E.2d 899 (Ind. Tax Ct. 2006). A taxpayer may rebut that presumption with evidence that is consistent with the Manual's definition of true tax value. MANUAL at 5. A market value-in-use appraisal prepared according to the Uniform Standards of Professional Appraisal Practice (USPAP) often will suffice. *Id.; Kooshtard Property VI,* 836 N.E.2d at 505, 506 n.1. A taxpayer may also offer actual construction costs, sales information for the subject property or comparable properties and any other information compiled according to generally accepted appraisal practices. MANUAL at 5.

c. Regardless of the method used to rebut an assessment's presumption of accuracy, a party must explain how its evidence relates to the subject property's market value-in-use as of the relevant valuation date. *O'Donnell v. Department of Local Government Finance,* 854 N.E.2d 90, 95 (Ind. Tax Ct. 2006); *see also Long v. Wayne Township Assessor,* 821 N.E.2d 466, 471 (Ind. Tax Ct. 2005). For the March 1, 2008, assessment date, the valuation date was January 1, 2007. 50 IAC 21-3-3.

d. The Petitioners first contend their "excess residential" land was over-valued for the March 1, 2008, assessment compared to the assessed value of neighboring properties.[6] *McMichael argument.* The "comparable" properties cited by the Petitioners, however, are all located in different neighborhoods as designated by the assessor. Thus, to the extent that the Petitioners argue that their property should be assessed in the Shady Nook neighborhood where land is valued on an acreage basis rather than in the Lake Forest Estates neighborhood where land is valued on a front foot basis, the Board finds that the Petitioners failed to raise a prima facie case their property's land assessment was in error.[7]

[6] "Residential acreage parcels of more than one acre and not used for agricultural purposes are valued using the residential home site base rate and the excess acreage base rate established by the township assessor." GUIDELINES at Chap. 2 at 69. The Board notes that the Petitioners ask the Board to ignore the land as a whole and simply focus on the "excess acreage" of the parcel. However, viewed as a whole, the Petitioners' $64,300 assessed value for 1.77 acres does not appear to be out of line with the neighbor's land assessment of $55,100 for 1.43 acres.

[7] The Respondent testified that the Shady Nook neighborhood has a majority of lots over one acre and therefore is assessed on an acreage basis; whereas the Petitioners' neighborhood has mostly smaller lots and is therefore assessed on a front foot basis. Further, the Respondent testified that the Petitioners' evidence regarding vacant land came from unplatted parcels, unlike the subject property which is in a platted subdivision.

e. Neighborhoods share common development characteristics, average ages of the improvements, size of lots, subdivision plats and zoning maps, and school and other taxing district boundaries, among other characteristics. GUIDELINES, Chap. 2 at 8. The Petitioners presented no evidence that their property's assessment in Lake Forest Estates was in error. They merely argued that other nearby properties were assessed differently. Proximity of properties alone is insufficient to prove that the properties are comparable. Thus, the only showing that the Petitioners made is that different neighborhoods have different land values.[8] *See Pachniak v. Marshall County Assessor,* Ind. Tax Ct. Cause No. 49T10-0904-TA-18, 2010 Ind. Tax LEXIS 20 (June 20, 2010) (unreported decision) (the Petitioner failed to show an error in his land assessment where two of the Petitioner's comparables were in a different neighborhood and "presumably subject to an entirely different provision of the applicable neighborhood valuation form" and the third "comparable" was valued using the same base rate as the Petitioner's parcels). Therefore, to the extent that the Petitioners argue that their property should be assessed on an acreage basis rather than assessed on a front foot basis like other properties in the Petitioners' property's neighborhood, they have failed to raise a prima facie case.

f. The Petitioners contend, however, that an inequality in their property's assessment and an inequity in their tax burden resulted from their excess residential land being assessed differently than the excess residential land of other properties in the area.[9] *D. McMichael testimony; Petitioner Exhibits 2 through 5.* This argument, however was found to be insufficient to show an error in assessment by the Indiana Tax Court in *Westfield Golf Practice Center, LLC v. Washington Township Assessor,* 859 N.E.2d 396 (Ind. Tax Ct. 2007).

g. In that case, the landing area for the Petitioner's driving range was assessed as "usable undeveloped" land and assigned a value of $35,100 per acre, while the landing areas of other driving ranges were assessed at the golf course rate of $1,050 per acre. 859 N.E.2d at 397. Westfield Golf appealed contending that its assessment was not uniform and equal. *Id.* In his determination, Judge Fisher held that under Indiana's prior assessment system, "true tax value" was determined by Indiana's assessment regulations and "bore no relation to any external, objectively verifiable standard measure." 859 N.E.2d at 398. Therefore, "the only way to determine the uniformity and equality of assessments was to determine whether the regulations were applied similarly to comparable

[8] The Petitioners' evidence shows that other properties in the Petitioners' neighborhood were assessed on a front foot basis at a rate of $243 per foot identical to the Petitioners' land assessment. *Petitioner Exhibit 3.*

[9] Because the neighboring property was assessed for $52,500 for the first acre and $2,580 for the additional .43 acre and the Petitioners' property was assessed for $243 per front foot, or $36,300 per acre, the breakdown of the land for purposes of the tax cap resulted in $36,300 of the Petitioners' property being subject to a 1% tax cap and $28,000 of the property being subject to a 3% tax cap; whereas the property located at 6590 Lake Forest Drive had $52,500 of its land subject to the 1% tax cap and only $2,600 of its land subject to the 3% tax cap.

properties." *Id.* Presently, "Indiana's overhauled property tax assessment system incorporates an external, objectively verifiable benchmark – market value-in-use." 859 N.E.2d at 399. "As a result, the new system shifts the focus from examining how the regulations were applied (i.e. methodology) to examining whether a property's assessed value actually reflects the external benchmark of market value-in-use." *Id.* Thus, the Tax Court held, it is not enough for a taxpayer to show that its property is assessed higher than other comparable properties. *Id.* Instead, Judge Fisher stated, the taxpayer must present probative evidence to show that the assessed value, as determined by the assessor, does not accurately reflect the property's market value-in-use. *Id.*

h. The Tax Court in *Westfield Golf* found that the Petitioner's claim "solely focused on the methodology used to determine its assessment." 859 N.E.2d at 399. According to Judge Fisher, Westfield Golf did not show its property's market value-in-use. *Id.* Nor did it show the market value of any comparable property. *Id.* Therefore, Westfield Golf failed to prevail on its claims that its assessment was not uniform or equitable. *Id.* Like the Petitioner in *Westfield Golf,* the Petitioners here merely argued about the method by which the assessor assessed their property. They presented no evidence of the market value of their property. Nor did they present evidence of the market values of neighboring properties. Therefore they failed to raise a prima facie case that either their assessment or their resulting tax burden was not uniform or equitable.

i. The Petitioners also contend that their house was over-valued based on the assessment of neighboring houses. *D. McMichael testimony; Petitioner Exhibit 6.* The Petitioners, however, did not show their house was assessed for more than its market value-in-use. Mr. McMichael merely argued that their house's first floor assessment on a square foot basis was higher than other properties' first floor assessed value per square foot in the same area. *D. McMichael testimony.* Once again, this argument was found to be insufficient to show an error in an assessment by the Indiana Tax Court in *Westfield Golf Practice Center, LLC v. Washington Township Assessor,* 859 N.E.2d 396 (Ind. Tax Ct. 2007) (rejecting taxpayer's lack of uniformity and equality claim where the taxpayer showed neither its own property's market value-in-use nor the market values-in-use of purportedly comparable properties).

j. Moreover, even if the Board accepted that a property owner could isolate a single floor of living area from the rest of the house and property to show an inequality in a property's assessment, the Petitioners failed to show the comparability of the neighboring properties. By comparing the assessed value of the Petitioners' property's first floor living area to the assessed value per square foot of other properties' first floor living areas, Mr. McMichael essentially relies on a "sales comparison" method of establishing the market value-in-use of their property. In order to effectively use the sales comparison approach as evidence in property

assessment appeals, however, the proponent must establish the comparability of the properties being examined. Conclusory statements that a property is "similar" or "comparable" to another property do not constitute probative evidence of the comparability of the properties. *Long,* 821 N.E.2d at 470. Instead, the party seeking to rely on a sales comparison approach must explain the characteristics of the subject property and how those characteristics compare to those of purportedly comparable properties. *See Id.* at 470-71. They must explain how any differences between the properties affect their relative market value-in-use. *Id.* Here, Mr. McMichael merely offered property record cards and testimony regarding the assessed value per square foot of the first floor living area of neighboring properties. Mr. McMichael failed to present any evidence regarding how the properties were similar and failed to value any differences between the properties. Thus, Mr. McMichael's analysis falls far short of the burden to prove that the neighboring properties are comparable to their property. *See Beyer v. State,* 280 N.E.2d 604, 607 (Ind. 1972). Therefore, the Petitioners failed to raise a prima facie case that their property was assessed in error.

k. Where the Petitioners have failed to provide probative evidence that an assessment should be changed, the Respondent's duty to support the assessment with substantial evidence is not triggered. *See Lacy Diversified Indus. v. Department of Local Government Finance,* 799 N.E.2d 1215, 1221-1222 (Ind. Tax Ct. 2003). Nonetheless, the Respondent agreed that the concrete patio located under the wood deck should be removed and a 30 square foot concrete patio added to the Petitioners' property's property record card. *Brown testimony.* The Respondent further agreed that the dimension of the lot should be corrected to 152 feet by 430 feet or 1.50 acres. *Id.* Although Ms. Brown contends the corrected lot size would not result in a reduction in the property's assessed value, the Petitioners submitted two property record cards showing that when the county corrected the lot size for 2011 it reduced the assessed value of the land from $64,300 to $53,500. *Petitioner Exhibits 2 and 3.* The Respondent did not dispute this evidence. Thus, the Board finds that the Petitioners' land assessment should be lowered.

Conclusion

16. The Petitioners failed to raise a prima facie case that their property's assessed value lacked uniformity or equality. The parties, however, agreed that the concrete patio under the wood deck should be removed and that a 30 square foot concrete patio should be added. In addition, the parties agreed that the Petitioners' lot size was properly 152 feet by 430 feet, or 1.50 acres. Further, the Petitioners provided sufficient evidence to support a finding that the land value should be reduced based on the correction of the lot size. Thus, the Board finds that the assessed value of the Petitioners' land is $53,500 for the March 1, 2008, assessment.

Final Determination

In accordance with the above findings of fact and conclusions of law, the Indiana Board of Tax Review determines that the assessed value of the Petitioners' property should be changed.

ISSUED: _____

_____
Chairman,
Indiana Board of Tax Review

_____
Commissioner,
Indiana Board of Tax Review

_____
Commissioner,
Indiana Board of Tax Review

IMPORTANT NOTICE

- 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.