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Citizens inspire bills at Capitol

State interior designers would enjoy regulation

By Niki Kelly
The Journal Gazette

INDIANAPOLIS – From video games to veterans and designers to death certificates, northeast Indiana's lawmakers are working not only on the major issues of the day, but also on some lower-profile bills often brought to them by residents.

For instance, Sen. Dennis Kruse, R-Auburn, is sponsoring Senate Bill 490 – a measure to register interior designers – at the behest of local businessman Paul Lagemann.

It's at least the third year the bill has been debated in the General Assembly – a surprisingly controversial proposal considering the seemingly innocuous subject matter.

Kruse concedes there is no clear reason why the state should oversee interior designers – "it is not a need as much as a want of interior designers to be recognized as professional in what they do."

The designers must pay fees to register with the Board of Architects within the Indiana Professional Licensing Agency.

Lagemann, though, thinks there is a clear safety need in separating educated and registered interior designers from those who, "are good with colors."

He said his business – The Carpet Craftsman – does floor installation for many heavy commercial buildings. Over the years he has noticed that interior designers are using inappropriate – and sometimes dangerous – materials because they are not skilled enough.

For instance, Lagemann said designers would plan slippery flooring for an entryway or carpet for walls that doesn't meet specific fire standards.

"A registry creates a differentiation and doesn't stop anyone from practicing," he said. "There are people who are great with colors and that's fine. But when you are talking about major commercial spaces, it can be dangerous."

He and Kruse both note that the bill – which awaits a final vote in the Senate – has a better chance of passage this year because the most controversial part of the bill has been removed.

The legislation previously gave interior designers the authority to officially stamp design plans in which there are no structural or mechanical changes. Right now only engineers and architects have stamping authority.



Bell



Ford



Wolkins



Kruse

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Death certificates curbed

She may not be his constituent, but Rep. Dave Wolkins, R-Winona Lake, wrote a bill on behalf of a Frankfort woman whose husband committed suicide in a church parking lot last year.

Julia Ingels testified earlier this session about how embarrassed and traumatized she was when she had to take her husband's death certificate – which listed self-inflicted gunshot wound as cause of death – to businesses to remove his name from various accounts.

House Bill 1633, which passed the House 94-1 last week, would eliminate cause of death from death certificates except for family and insurance reasons.

"The clerk at the (Bureau of Motor Vehicles) doesn't need to know how your spouse died, just that they are deceased," Wolkins said.

He noted that there are multiple kinds of death records, and he is working with the Hoosier State Press Association to ensure he isn't unduly restricting information.

Steve Key, lobbyist for Hoosier State Press Association, is concerned that journalists would be limited in retrieving causes of deaths – though they would still be public through coroners' reports.

"HSPA has no problem with the intent of the bill, but it does put restrictions on who gets access," he said, noting that the deceased man was a former newspaper publisher.

In addition to journalists, there are other reasons for people to need the cause of death on death records, he said. This includes genealogists researching family medical history for genetic disorders or environmentalists tracking cancer clusters or other such diseases.

Rep. Jerry Torr, R-Carmel, was the only member to vote against the measure, noting there are legitimate reasons for Hoosiers to need access to such information.

"There is no need for a public policy change like this," he said. "It's a knee-jerk reaction."

Drinking debate

Serving 21 shots in a limited time to newly legal Hoosiers might have more serious consequences under a bill that would require bars, taverns and restaurants that sell alcohol for consumption on the premises to purchase liquor liability insurance.

Rep. Matt Bell, R-Avilla, is co-author of House Bill 1347, a requirement he feels is necessary to protect those who might be injured when a bar knowingly and intentionally overserves someone.

He said Indiana law already allows victims to sue bars for negligence, but said many of them don't have insurance. This means if a bar can't afford to pay a legal judgment it simply goes bankrupt and closes.

"Then there is no compensation for the victim," Bell said. "I don't like mandates, but it's simply good public policy to say if you are part of the proximate cause you should carry insurance."

He said a quarter to half of all bars, taverns and restaurants do not carry liquor liability insurance and the bill would close that gap.

Cost estimates are about \$1,500 a year for a small bar grossing \$100,000 a year.

Brad Klopfenstein, executive director of the Indiana Licensed Beverage Association, said his association is against the bill because it could cause some small mom-and-pop bars to go out of business because of expensive insurance policies.

"We recommend to all our members that they carry liquor liability," he said. "But right now the responsibility for accidents falls on the individuals. I think if this happens, it opens the door for a big shift to suing bars."

He also noted the legislation does not set a minimum level of insurance coverage. Depending on the level chosen by the Department of Insurance, it could mean some bars that have policies covering up to \$1 million would actually reduce coverage.

"It's far too ambiguous in its current state."

A final House vote on the legislation comes this week.

The following local bills are also making their way through the system:

- Senate Bill 238 – Sen. David Ford, R-Hartford City, submitted a proposal that would have restricted the sale of adult-rated video games to young people. But after constitutional concerns the legislation has been pared to a simple summer study committee on the issue. The legislation would have imposed fines up to \$1,000 if retailers sold or rented video games rated mature to those under 17 or games rated adults only to those younger than 18. Court rulings have struck down previous efforts to restrict game sales, and retailers and the video game industry say voluntary restrictions are working. A Senate committee that approved the original bill watched clips of violent games last

week. One video game clip showed a character urinating on victims and setting them on fire while a narrator made racial comments. Another featured a character gunning down people in church, while another "rewarded" players who reach a certain level with video clips of real topless strippers.

•Senate Bill 289 – Sen. Gary Dillon, R-Columbia City, brought the bill on behalf of a North Manchester resident who several years ago came to him with questions about a constitutional amendment on the ballot regarding property taxes. Dillon thought he understood the amendment but checked with the Legislative Services Agency just in case. The experience pushed him to file the bill, which requires the Legislative Services Agency to come up with a concise, neutral statement on what each amendment means. The explanation would be placed at polling places, on legislative Web sites, sent to libraries and all media outlets. "Other states do this," Dillon said. "So people have a better idea of what they are voting on." The legislation passed the Senate unanimously and now moves to the House.

•House Bills 1665 and 1546 – Rep. Phil GiaQuinta, D-Fort Wayne, offered both veterans bills to recognize and protect those who have served in the armed forces. The first piece of legislation would seal discharge records of military veterans currently available at the county recorder's office. He said the documents contain personal information, such as date of birth and Social Security numbers, that identity thieves could use. The records also state whether the person was discharged honorably or dishonorably – something he also feels to be a private matter. In the past, veterans were encouraged to file them so an official copy of the paperwork was always available if they were needed for burial rights or medical benefits. The second bill would extend the state's honorary high school diploma program to veterans serving in the Korean and Vietnam wars. It already exists for World War I and World War II veterans whose education was interrupted. Both measures passed the House overwhelmingly and are headed to the Senate.

•House Bill 1248 – Rep. Mike Ripley, R-Monroe, is trying to tighten language on viatical settlements, which is when terminally ill patients sell their life insurance to a third party for an upfront cash settlement. The third party then pays the remaining premiums and gets the final death benefit. The practice morphed recently into life settlements – which are also legal under Indiana law – for non-terminally ill Hoosiers. But Ripley's language this year – which is awaiting a final vote in the House – would make it clear that investors are not allowed to initiate such settlements unless at the request of the insured. "It's morally reprehensible in my mind," he said, "like vultures waiting for you to die."

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The Associated Press contributed to this story.

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