



**Phil Kadner**

## Even simple laws create confusion in state Capitol

In the world of politics, nothing is ever simple.

For example, firefighters across the state tried to do a simple thing a few years ago by getting a law approved requiring fire sprinklers in all new public school buildings and schools that undergo substantial remodeling.

Soon thereafter, complications developed.

Politicians in Springfield created a process that allowed school districts to seek a waiver from state mandates.

The thinking was that some districts might want to spend more on math classes and less on physical education, or drop driver education and replace it with computer training.

School districts sought waivers from state education mandates for that sort of stuff, but two school districts also sought waivers from the fire sprinkler law.

Lemont School District 113 and St. George School District in Kankakee applied for the waivers.

The Illinois State Board of Education approved their requests and, as the law requires, sent the recommendations on to the Illinois General Assembly.

It's the position of organizations such as the Illinois Firefighters Association and Illinois Fire Chiefs Association that all school buildings ought to be equipped with fire sprinklers.

"No bureaucrat sitting in some office in Springfield ought to be able to grant a waiver to the sprinkler law unless he knows something about preventing fires, and none of those people do," Lemont Fire Chief Terry Doogan said.

When Doogan heard the waivers were approved by the state board of education he rounded up fire officials to testify at education committee hearings sponsored by the House of Representatives.

"There were two hearings in Chicago and one in Springfield, and we clearly made our case that fire officials, not educators, are the experts at fire prevention," Doogan said.

When the fire sprinkler waivers came before the House for a vote Tuesday, they were de-

Doogan and Jeff Lehr, the Lemont fire marshal, were about ready to celebrate when they discovered how confusing the political process can be.

"According to the law, a school district's request for a waiver is considered approved unless it is denied by both houses of the Illinois General Assembly within 30 days," Doogan said.

"If the Senate refuses to take action, the waiver request is approved even if the House of Representatives votes overwhelmingly to reject the application."

At first, that seemed like nonsense.

But that's the way the law is written. After the application for a waiver is officially submitted to the Illinois General Assembly, each house must vote against the waiver within 30 days or the waiver is "deemed granted."

A cynic might suggest this allows politicians to grant waivers without actually taking a public position that might anger constituents.

Sen. Aldo DeAngelis (R-Olympia Fields), assistant majority leader, had another explanation.

"The way the waiver process works the state board of education approves the application for a waiver and submits it to the General Assembly for review," DeAngelis said.

"If we disapprove of the waiver, we vote against it. If we don't see any reason to object, there's no reason for a vote to approve the waiver because it's already been approved by the state board of education."

In the case of the two school districts requesting fire sprinkler waivers, however, DeAngelis said the Senate voted to reject the waiver application Wednesday morning.

But that still doesn't mean the waiver has been rejected.

"There were 161 requests for waivers from school districts throughout the state and the Republican leadership agreed by its silence to approve 148," DeAngelis said.

"The other 13 waiver applications, including the Lemont school district request, were put in a Senate joint resolution and rejected this morning."

"Now, it was my understanding that the House was going to vote on the waivers in one package as well, but apparently that didn't happen. The House voted on the waivers individually."

"So now we have two different measures, one a Senate version and the other a House version."

"Eventually, the House will either have to approve our measure or we'll have to approve theirs," DeAngelis said.

"I'm pretty sure that will happen. In one form or another, the Lemont school district waiver request will be rejected. It's just a question of which measure eventually gets the support of both houses."

I tried to explain this to Chief Doogan, who admitted to being confused.

"It seems to me that on an issue as important as fire sprinklers in the schools, if one branch of the General Assembly overwhelmingly rejects a waiver application, that ought to be it," Doogan said.

That would be a simple way to handle

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