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Proposed Change to 87csr1 pages 2-5

1 message

Tyree, Kenneth E <kenneth.e.tyree@wv.gov>

Wed, Jul 12, 2023 at 3:10 PM

To: Brandolyn Felton Ernest <brandolyn.feltonernest@wv.gov>, "Burns, Kathryn L" <kathryn.l.burns@wv.gov>, Mark Stewart <david.m.stewart@wv.gov>

Dear Counsel Ernest:

This proposed change I can either make now or at the public hearing. I need to relocate the Plans Review process and C of O references to 2.1.d thru 2.1.d.2 (see attachment) so it does not imply reference to High Rise Buildings alone.

Let me know what you think and whether I need to precede with a letter of explanation during the public comment stage or just propose the changes at the public hearing.

Thanks,

Kenneth E. Tyree Jr.
State Fire Marshal
State DHS Liaison with Faith Community

West Virginia State Fire Marshal's Office

1207 Quarrier Street, 2nd Floor

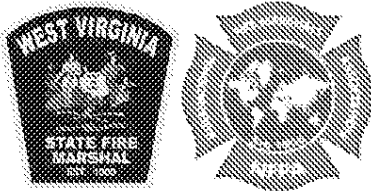
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Challenges build character; anyone can hold the helm when the sea is calm.

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87CSR1 Public Hearing Proposed Changed to Pages 2 thru 5 by SFM 071223.docx

120K

WV STATE FIRE COMMISSION MEETING
1207 Quarrier St. Charleston WV 25301

July 25th, 2023

PLEASE NOTE:

The following minutes have been provided and are considered unofficial, until they are submitted for approval at the next scheduled meeting.

The official business meeting was called to order at 10:01am by Chairman Grant Gunnoe.

ROLL CALL: by Kathryn L Burns

Commissioners Present

Doug Estep, Edward George (via conference), Grant Gunnoe, Brian Jones (via conference), Thomas Keefer (via conference), Doug Mongold (via conference), Jim Oldaker, Ted Shriver, Virgil White and Marshal Tyree.

It is noted that Counsel Brandolyn Felton-Ernest is present as well.

Commissioners Absent

Dave Camp, Carl Eastham, Phil Hart and Steven Byers

UNFINISHED BUSINESS:

1. 87CSR1 State Fire Code

a) Consideration of Public Comments

Marshal Tyree briefed the Commission on the two Public Comments received.

Comment 1 – Was submitted by Bill Brown of Appalachian Fire and Security and pertained to the proposed striking of sections 2.2.k.1 and 2.2.k.2, his opinion on the effects that would have on safety and its' economic impact. The entire comment was provided to the Commission and attached to the agenda.

Marshal Tyree gave his response to the Comment noting that the intent of the proposed changes/striking of the items was to better align the State Fire Codes with the National Codes. His research on the item brought him to the conclusion that the purpose or reasoning is that when it was placed in the code in 1984 it was based on Mercantile buildings at that time and that most were downtown and had apartments above them. In his research that was the only outlier to the difference in what the National Codes have required since 1976. He appreciates Mr. Browns comments, but the proposed change would make an equal playing field whether or not you are installing alarms in WV or OH, VA or PA.

Marshal Tyree read Mr. Brown's comments on his opinion the economic impact to striking the language in 2.2.k.1 and 2.2.k.2.

Comment 2 – Was a comment Marshal Tyree made regarding the placement of items pertaining to Plan Reviews and Certificate of Occupancies. They were placed in the wrong place and his comment would relocate them to 2.1.d. No language was changed. It also realigned pages 2 though 5 to make an edit to the section of each of those pertaining to High Rises. The proposed edits were provided to the Commission and attached to the agenda.

b) Consideration of Public Hearing

Commissioner Shriver spoke regarding the Public Hearing which he attended noting there were no attendees at the Hearing and therefore no additional comments.

Comment 1- Commissioner Shriver made a motion that the Commission does not entertain the changes as proposed by Appalachian Fire and Security LLC and leave the draft as presented to the Commission, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

Comment 2- Commissioner Shriver made a motion to accept the changes in the draft, to move the Plan Review process and Certificates of Occupancies references, seconded Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

- c) Vote on authorizing staff to file a Notice of Agency Approval of the proposed rule, after consideration of any public comments received, with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee.

Commissioner Shriver made a motion authorizing staff to file a Notice of Agency Approval of the proposed rule (87CSR1) with accepted/adopted changes with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner White. With the ayes and nays having been taken on a voice vote the motion passed.

NEW BUSINESS:

1. 87CSR6 Evaluation & Recognition of Local Fire Departments

- a) Consideration of Public Comments – None Received

Counsel Felton-Ernest informed the Commission of the edits she has made changing the authority section, 1.2 the code section was incorrect, she changed the filing date, effective date, added a sunset provision and necessary formatting changes.

- b) Vote on authorizing staff to file a Notice of Agency Approval of the proposed rule, after consideration of any public comments received, with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee.

Commissioner George made a motion authorizing staff to file a Notice of Agency Approval of the proposed rule (87CSR6) including the changes and updates as presented by Counsel, with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner Oldaker. With the ayes and nays having been taken on a voice vote the motion passed.

2. 87CSR13 Certification of Fire Chiefs

- a) Consideration of Public Comments – None Received

Counsel Felton-Ernest noted updates to the filing date, effective date, sunset provision and the language in section of 87-13-6 (6.1) in regard to appeals and proceedings of the office of Administrative Hearings consistent with the directive of the Secretary of States office and the statute passed in regard to the Intermediate Court of Appeals being the entity hearing those appeals.

- b) Vote on authorizing staff to file a Notice of Agency Approval of the proposed rule, after consideration of any public comments received, with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee.

Commissioner White made a motion authorizing staff to file a Notice of Agency Approval of the proposed rule (87CSR13) as updated by Counsel, with the Secretary of State's Office for consideration by the Legislative Rule-Making Review Committee, seconded by Commissioner Estep. With the ayes and nays having been taken on a voice vote the motion passed.

GOOD OF THE ORDER:

None

TIME AND PLACE OF NEXT MEETING(S):

Committee Meetings 10:00am Thursday, August 3rd, 2023 at Twin Falls Resort. Commission Meeting 9:00am Friday, August 4th, 2023 at Twin Falls Resort

Commissioner White made a motion to adjourn, without objection meeting adjourned.
