

WEST VIRGINIA STATE FIRE COMMISSION MEETING
Special Meeting
State Fire Marshal's Office, Charleston, WV
December 13, 2017

The official business meeting was called to order at 10:02 a.m. by Chairman Grant Gunnoe.

ROLL CALL:

Commissioners Present

Grant Gunnoe, Edward J. George, Tom Keefer and Virgil White.

Conference Call In: Carl Eastham, Phil Hart, Doug Mongold, Jim Oldaker, Doug Estep, Ted Shriver and Carl Sizemore.

Commissioners Absent

Dave Camp and Martin Hess

Other Stakeholders or Representatives

UNFINISHED BUSINESS:

1. Consideration of edits to Legislative Rule 87-2 Electrician's Licensing Rules and 87-3 Hazardous Substance Emergency Response Training Programs.

Marshal Ken Tyree gave an update on Legislative Rule 87-2 Electrician's Licensing Rules. Marshal Tyree met with the Legislative Rule Making Committee and they recommending modifications based on the concerns from the WV Department of Education and their Career and Technical Programs.

One of the concerns was that changes to 3.3.1 and 3.3.3 shouldn't be made until they are changed in statute. It was also recommended to remove 2.4.4 "Residential Electric License" that could have an economic impact of keeping people working unhindered.

Another question was about the 179 stakeholder letters received at the State Fire Marshal's Office requesting modifications to the Electrician's Rule assumed to have been received by Union members that were trying to suppress and limit the work of licensed electricians to residential work only by those setting for the Journeyman's Electrician's License from career and technical schools.

Master's License requires 5years of experience remains in the rule.

Modification to require affidavits in 4.4.1 from career and technical program instructors before allowing students to sit for the Journeyman's Electrician License was kept.

One of the reasons the WV Department of Education wanted to take out the “Residential” Electrician’s modification was that career and technical program students would still be taking the same examination as those sitting for the Journeyman Electrician License.

Three year cycle for continuing education in 7.4 had some support and some that did not support it.

Fire Marshal Tyree stated that when rules are modified in the future that the Legislative Rule Making Committee would be using a 6 area guide to address future concerns to include: Public Safety, Families, Economic development, Business Progress, etc.

Subsection 10-1 based on fines had some technical language changes to match the statute.

Counsel Nowicki explained that there were several technical formatting changes necessary to the rule especially the first 2-3 pages that will include strike throughs, etc.

Marshal Tyree will continue to make notice of continuing education to the National Electric Code as they are updated and will send out various communication efforts to make individuals aware of the changes and become educated on them. This concluded his report.

Commissioner Gunnoe stated that the Fire Commission previously agreed with the 179 stakeholders letters of recommendation but that the WV Department of Education disagreed. Fire Marshal Tyree explained that he was asked about written documentation concerning complaints from those career and technical program students that had received Journeyman Electrician’s Licenses to support these 179 letters of recommendation. His response was that we had a couple, but would document for future review. Commissioner Gunnoe stated that those 179 stakeholder’s that sent in recommendations and/or the organizations that they represent could still contact their legislative representative and appropriate legislative committees to address their concerns.

Commissioner Gunnoe called for questions.

Commissioner Shriver asked who is administering the examination and when does the rule sunset / expire. Fire Marshal Tyree stated that our office takes care of that and Counsel Nowicki stated that it doesn’t sunset.

After the update was given, Commissioner White made a motion to adopt the modifications and the rule as modified by the suggested of the legislature rule making committee and the Fire Marshal for the edits to Legislative Rule 87-2 Electrician's Licensing Rules, second by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.

2. Consideration of edits to Legislative Rule 87-3 Hazardous Substance Emergency Response Training Programs.

Marshal Ken Tyree gave an update on Legislative Rule 87-3 Hazardous Substance Emergency Response Training Programs. The only change was a 4.3.3 technical change to industrial response personnel. The legislature concern was that these were changes that would affect everyone (Paid, Volunteer, etc.), not just industrial firefighters. Counsel Nowicki read the “specialized” industrial response personnel definition and mentioned again that there are also some technical formatting

changes necessary. Fire Marshal Tyree stated that language from statutes 87-6 and 87-8 were added to this rule to be consistent with the statute.

Commissioner Keefer said basically the verbiage just needed to be consistent within all these documents.

Fire Marshal Tyree thanked Commissioner Keefer and Commissioner White for their assistance in reviewing this document.

After the update was given, Commissioner Keefer made a motion to adopt the modifications and the rule as modified as suggested by the legislature rule making committee and the Fire Marshal for the edits to Legislative Rule 87-3 Hazardous Substance Emergency Response Training Programs, second by Commissioner White. With all the ayes and nays having been taken on a voice vote, the motion passed.

TIME AND PLACE OF NEXT MEETING:

Next Fire Commission Committee Meetings will take place Thursday, December 14, 2017 at the Stonewall Jackson Resort, Roanoke, WV beginning at 10:00 a.m.

Next regularly scheduled Fire Commission Meeting will take place Friday, December 15, 2017 at the Stonewall Jackson Resort, Roanoke, WV beginning at 9:00 a.m.

ADJOURN:

Commissioner White made a motion to adjourn at 10:32 a.m. Second by Commissioner Mongold. With all the ayes and nays having been taken on a voice vote, the motion passed.