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SECRETARY OF STATE

**State of Kansas
State Fire Marshal
Notice of Hearing on Proposed Administrative Regulations**

September 20, 2017

A public hearing will be conducted at 10:00 a.m. Wednesday, November 29, 2017 at the Kansas State Board of Healing Arts, 800 S.W. Jackson, Lower Level – Suite A (Board Hearing Room), Topeka, to consider the adoption of proposed regulations and the revocation of existing regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the State Fire Marshal, 800 SW Jackson, Suite 104, Topeka, Kansas 66603 or by email to doug.jorgensen@ks.gov. All interested parties will be given a reasonable opportunity during the public hearing to present their views orally regarding the adoption of the proposed regulations. In order to provide all parties an opportunity to present their views, it may be necessary to require that each participant limit any oral presentation to an appropriate timeframe.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by calling (785) 296-3401.

A summary of the proposed regulations, the revocations, and their estimated economic impact follow.

K.A.R. 22-6-5, K.A.R. 22-6-12, K.A.R. 22-6-16, K.A.R. 22-6-20, K.A.R. 22-6-24, and K.A.R. 22-6-25 reorganize and update the nationally recognized fire codes adopted and enforced by the Office of the State Fire Marshal pursuant to K.S.A. 31-133 and 31-506 as well as create a second fireworks season for pre-sales of fireworks, for example by charitable entities.

Economic Impact Statement: The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

K.A.R. 22-8-10 removed the license fees for liquefied petroleum gas (propane) licenses.

Economic Impact Statement: The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

K.A.R. 22-11-8 and K.A.R. 22-18-3 repeal regulations no longer required by the agency.

Economic Impact Statement: The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

K.A.R. 22-19-5 creates a new reporting requirement for Certified Fire Investigators when investigating a fire that has caused a death.

Economic Impact Statement: The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

K.A.R. 22-24-1, K.A.R. 22-24-2, K.A.R. 22-24-3, K.A.R. 22-24-4, K.A.R. 22-24-5, K.A.R. 22-24-6, K.A.R. 22-24-7, K.A.R. 22-24-8, K.A.R. 22-24-9, K.A.R. 22-24-10, K.A.R. 22-24-11, K.A.R. 22-24-12, K.A.R. 22-24-13, K.A.R. 22-24-15, K.A.R. 22-24-16, K.A.R. 22-24-17, and K.A.R. 22-24-18 reorganize and update the regulations governing the regional hazardous materials response team program.

Economic Impact Statement: The proposed amendments are not anticipated to have any appreciable negative economic impact on the agency, other agencies, small businesses, or the public.

Copies of the complete texts of the regulations and their respective economic impact statements may be obtained by writing the State Fire Marshal at the address above, electronically on the agency's website at <http://firemarshal.ks.gov>, or by calling 785-296-3401.

Doug Jorgensen
State Fire Marshal

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K.A.R. 22-6-5. Fireworks seasons; retail sale; days permitted. (a) Except as provided in subsection (b), a seasonal retailer shall not sell fireworks, except only during the retail fireworks season. The retail fireworks season shall be the period beginning on June 27 and ending on July 5 of each calendar year.

(b) The presale fireworks season shall be the period beginning on January 1 and ending on June 26 of each calendar year. During the presale fireworks season, a seasonal retailer may offer for sale and accept payment for fireworks but shall not deliver or make available for receipt any fireworks until the retail fireworks season. (Authorized by K.S.A.-2007 2016 Supp. 31-506; implementing K.S.A.-2007 2016 Supp. 31-502 and 31-503; effective Jan. 1, 1973; amended May 1, 1985; amended May 1, 1986; amended Dec. 29, 2008; amended P-_____.)

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22-6-12. (Authorized by and implementing K.S.A. 2007 Supp. 31-133; effective Jan. 1, 1973;
amended May 1, 1986; amended Dec. 29, 2008; revoked P-_____.)

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22-6-16. (Authorized by and implementing K.S.A. 31-133, 31-155, 31-156; effective May 1, 1982; amended May 1, 1983; revoked P-_____.)

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22-6-20. Adoptions by reference. (a) The following national fire protection association codes and standards, ~~including annexes~~, are hereby adopted by reference, with the following modifications and the modifications specified in subsection (b):

(1) No. 160, "standard for the use of flame effects before an audience," ~~2006~~ 2011 edition, ~~except for section 2-3.2~~ with the following modifications:

(A) Section 1.3.5 shall be deleted; and

(B) section 8.1.2 shall be deleted and replaced with the following: "Each operator shall be licensed in accordance with K.S.A. 2015 Supp. 31-503, and amendments thereto, and K.A.R. 22-6-25.";

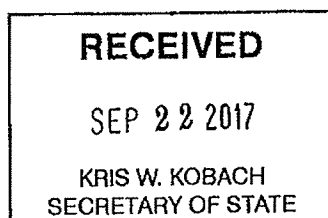
(2) no. 1123, "code for fireworks display," ~~2006~~ 2014 edition, ~~except for section 2-3.3~~ that sections 10.1.1 through 10.1.3 shall be deleted and replaced with the following: "Each operator shall be licensed in accordance with K.S.A. 2015 Supp. 31-503, and amendments thereto, and K.A.R. 22-6-24.";

(3) no. 1124, "code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles," 2006 edition, with the following ~~deletions and substitutions~~ modifications:

(A) In section 4.3.3.1, the words "to the Office of the State Fire Marshal" shall be added before the words "and to local law enforcement authorities";

(B) ~~in section 5-1.1.2(1)~~ 5.1.1.2(1), the words "that are not bullet sensitive" shall be deleted;

(B) (C) ~~in section 6-2.7.1~~ 6.2.7.1, the words "using an approved test sampling plan" shall be deleted and replaced by the following: "or a CPSC-approved test sampling plan shall be used";



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(C) ~~(D)~~ sections ~~2-3.5, 6-5.2.3 6.5.2.3, 6-5.2.4 6.5.2.4, 6-14.4 6.14.4, 7-3.19.4 7.3.19.4,~~
and ~~7-4.6.3 7.4.6.3~~ shall be deleted;

(D) ~~(E)~~ in section ~~7-3.14.1.1 7.3.14.1.1,~~ the text “three or as determined in accordance with NFPA 101, Life Safety Code, whichever number is greater” shall be deleted and replaced by the following: “two, or as determined in accordance with ~~national fire protection association~~ ~~standard no. 101~~ the international fire code, which is adopted by reference in K.A.R. 22-1-3, whichever number is greater”; and

(E) ~~(F)~~ in section ~~7-3.15.6 7.3.15.6,~~ the words word “horizontally ejected” shall be inserted before “ejected pyrotechnic components”; and

(4) no. 1126, “standard for the use of pyrotechnics before a proximate audience,” 2006 2011 edition, ~~except for section 2-3.2. with the following modifications:~~

(A) Section 1.3.5.2 shall be deleted; and

(B) sections 6.5.1 through 6.5.1.2 shall be deleted and replaced with the following: “Each operator shall be licensed in accordance with K.S.A. 2015 Supp. 31-503, and amendments thereto, and K.A.R. 22-6-25.”

(b) The following modifications shall be made to the codes and standards adopted in subsection (a):

(1) All material before the first chapter shall be excluded from adoption.

(2) All annexes shall be excluded from adoption.

(3) Chapter 2, “referenced publications,” shall be excluded from adoption.

(4) All indexes and all material after the indexes shall be excluded from adoption.

(5) The last sentence of section 3.1 in each code or standard shall be excluded from

adoption.

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(6) Each reference to a code or standard adopted in article 1 shall mean the edition of that code or standard adopted in that article.

(7) Each reference to a code or standard adopted in this regulation shall mean the edition of that code or standard adopted in this regulation.

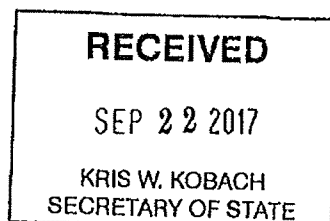
(8) The definition of "authority having jurisdiction (AHJ)" in section 3.2.2 shall be replaced with the following: "the state fire marshal or designee," except when the context indicates that the term is referring to a local fire department or a local law enforcement agency.

(c) Chapter three in American pyrotechnics association standard 87-1, "standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics," 2001 edition, is hereby adopted by reference, except for the following:

(1) Section 3.8;

(2) section 3.9; and

(3) section 3.10. (Authorized by and implementing K.S.A. ~~2007~~ 2016 Supp. 31-133 and K.S.A. ~~2007~~ 2016 Supp. 31-506; effective Dec. 29, 2008; amended P-_____.)



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22-6-24. Display operator license. (a) Each person who operates an outdoor display of display fireworks, as defined in K.A.R. 22-6-1, shall obtain a license from the office of the state fire marshal.

(b) Each applicant shall meet all of the following requirements:

(1) The applicant shall provide proof of experience in the performance of at least three ~~firework~~ outdoor displays of display fireworks in the last four years.

(A) For each of the three required displays, each applicant for a new display operator license shall include documentation of participation as an assistant under a display operator who has a valid Kansas license at the time of the displays. The licensed display operator shall provide written verification of the applicant's participation in the display.

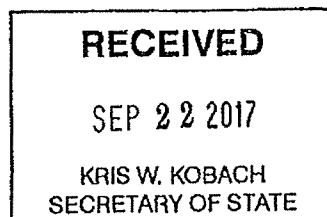
(B) For each of the three required displays, each applicant for renewal of the display operator license shall provide a signature from the local jurisdiction, organization sponsoring the display, Kansas licensed distributor who produced the display, or another Kansas licensed operator assisting with the display.

~~(2) The applicant shall pay a nonrefundable fee of \$40 for the initial application and the exam. For each additional exam required, the applicant shall be assessed a fee of \$10.~~

~~(3) The applicant shall complete a written examination, administered by the state fire marshal, and shall be required to achieve a passing score of at least 80 percent.~~

(c) The display fireworks operator license shall be valid for four years from the date of issuance.

(d) Each licensee shall keep the original license on the licensee's person at all times while performing duties as a display operator. A copy of the license shall not be accepted as valid proof



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of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(e) No fee shall be charged for a display operator license for any person who is an officer or employee of the state or any political or taxing subdivision of the state if that person is acting on behalf of the state or political or taxing subdivision.

(f) Each licensee shall comply with national fire protection association standard no. 1123, which is adopted by reference in K.A.R. 22-6-20, and all local, state, and federal regulations, statutes, and laws. (Authorized by K.S.A. ~~2007~~ 2016 Supp. 31-506; implementing K.S.A. ~~2007~~ 2016 Supp. 31-503; effective Dec. 29, 2008; amended P-_____.)

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22-6-25. Proximate pyrotechnic operator license. (a) Each person who operates any indoor or outdoor pyrotechnic article, as defined in K.A.R. 22-6-1, shall obtain a license from the state fire marshal.

(b) Each applicant shall indicate which of the following classes the applicant is requesting a license for on the application:

- (1) Indoor proximate pyrotechnic operator license;
- (2) outdoor proximate pyrotechnic operator license;
- (3) flame effect pyrotechnic operator license; or
- (4) unlimited proximate pyrotechnic operator license.

(c) Each applicant shall meet all of the following requirements:

(1) The applicant shall provide proof of experience in the performance of at least three ~~firework~~ pyrotechnic displays in the last four years- as follows:

(A) ~~The applicant for a new license shall provide documentation of experience in the performance of at least three displays of pyrotechnic articles in the last four years~~ Each display shall be in the class for which licensure is sought. Each applicant for an unlimited proximate pyrotechnic operator license shall demonstrate proficiency in each of the three classes listed in paragraphs (b)(1) through (b)(3) and shall provide proof of experience in the performance of at least two displays in each class.

(B) The use of at least four individual devices of pyrotechnic articles shall be used to qualify as a display.

(C) For each of the displays required for a new proximate pyrotechnic license, the applicant shall acquire a signature from a proximate pyrotechnic operator who had a valid

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Kansas license for that type of display at the time of the display, verifying that the applicant assisted in the operation of the display.

(B) ~~(D)~~ For each of the ~~three~~ displays required for renewal of the proximate pyrotechnic license, the applicant shall acquire a signature from the local jurisdiction, organization sponsoring the display, Kansas licensed distributor who produced the display, or another Kansas licensed proximate pyrotechnic operator licensee assisting with the display.

~~(2) The applicant shall pay a nonrefundable fee of \$40 for the initial application and the exam. For each additional exam required, the applicant shall be assessed a fee of \$10.~~

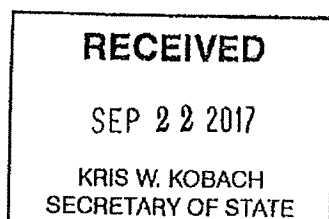
~~(3)~~ The applicant shall complete a written examination, administered by the state fire marshal, and shall be required to achieve a passing score of at least 80 percent.

(d) The proximate pyrotechnic operator license shall be valid for four years from the date of issuance.

(e) Each licensee shall keep the original license on the licensee's person at all ~~time~~ times while performing duties as a proximate pyrotechnic operator. A copy of the license shall not be accepted as valid proof of licensure if the licensee is questioned by law enforcement, the fire department, or the local authority.

(f) No fee shall be charged for a proximate pyrotechnic operator license for any person who is an officer or employee of the state or any political or taxing subdivision of the state if that person is acting on behalf of the state or political or taxing subdivision.

(g) Each licensee shall comply with national fire protection association standard nos. 160 and 1126, which are adopted by reference in K.A.R. 22-6-20, and all local, state, and federal



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regulations, statutes, and laws. (Authorized by K.S.A. 2007 2016 Supp. 31-506; implementing
K.S.A. 2007 2016 Supp. 31-503; effective Dec. 29, 2008; amended P-_____.)

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22-8-10. Licensing requirements; classes; fees; renewals. (a) To obtain a license under the Kansas propane safety and licensing act, each applicant shall submit the following to the state fire marshal's office:

(1) An application for each desired license;

(2) proof that the training requirements in K.A.R. 22-8-11 for each desired license have been met; and

(3) proof of continuous general liability insurance coverage of at least \$1,000,000; and

(4) ~~a onetime, nonrefundable initial application fee of \$25, unless the applicant is an officer or employee of the state of Kansas or any political or taxing subdivision and that person is acting on behalf of the state or political taxing subdivision.~~

(b) ~~If the license application is approved, the appropriate annual fee shall be paid before issuance of the license. The classes of licenses shall be as follows:~~

(1) ~~The annual license fee for A class one dealer license, which shall be required for the retail distribution of liquefied petroleum gas, shall be \$175 per location.~~

(2) ~~The annual fee for A class two bulk storage site license, which shall be required for the bulk storage of liquefied petroleum gas, shall be \$25 per tank.~~

(3) ~~The annual fee for A class three cylinder transport license, which shall be required to operate a cylinder delivery service, shall be \$100 per vehicle.~~

(4) ~~The annual fee for A class four cylinder filling license, which shall be required to operate a cylinder filling facility, shall be \$50 per facility.~~ For the purpose of this paragraph, "cylinder filling facility" shall include any facility that fills cylinders or sells cylinder valves.


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(5) ~~The annual fee for~~ A class five recreational vehicle fueling license, which shall be required to fuel recreational vehicles or mobile fuel containers, ~~shall be \$50 per facility.~~

(6) ~~The annual fee for~~ A class six cylinder exchange cabinet license, which shall be required to establish a cylinder exchange cabinet or participate in a cylinder program, ~~shall be \$10 for each cabinet at any location.~~ Each cabinet shall be required to have a new sticker applied to the cabinet annually. Each sticker shall be provided by the state fire marshal's office.

(7) ~~The annual fee for~~ A class seven self-serve liquefied petroleum gas dispensing license, which shall be required to operate a liquefied petroleum gas fueling facility, ~~shall be \$50 per facility.~~

(8) ~~The annual fee for~~ A class eight installation and service of liquefied petroleum gas systems license, which shall be required to install, maintain, or modify a residential or commercial liquefied petroleum gas distribution and utilization system, ~~shall be \$20 per technician.~~

(c) Each license shall expire on September 30 each year.

(d) Any LP gas license may be renewed annually. Each applicant for renewal shall submit the following to the state fire marshal's office on or before July 15:

(1) The renewal form;

(2) proof that the continuing education requirements have been met; and

(3) proof of continuous general liability insurance coverage of at least \$1,000,000; and

(4) ~~payment of each applicable annual license fee.~~ (Authorized by K.S.A. 2016 Supp. 55-1812; implementing K.S.A. 55-1809 and K.S.A. 2016 Supp. 55-1812; effective March 31, 2006; amended P-_____.)

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22-11-8. (Authorized by and implementing K.S.A. 2008 Supp. 31-133 and K.S.A. 31-147;
effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986;
amended Sept. 17, 1990; amended Feb. 4, 2011; revoked P-_____.)

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22-18-3. (Authorized by and implementing K.S.A. 2008 Supp. 31-133, 31-150; effective Sept. 17, 1990; amended May 10, 1993; amended Feb. 4, 2011; revoked P-_____.)

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K.A.R. 22-19-5. Filing Reports with state fire marshal to be filed; required notification in

certain circumstances. (a) Each person certified as a fire investigator I or II shall file a report of every fire investigation conducted by that individual with the state fire marshal within 30 days.

The report shall ~~contain all information on the current report form used by the state fire marshal's deputies, including~~ be submitted through the investigative database used by the state fire marshal's investigations division and shall include the following:

(1) The name and birthdate of the owner;

(2) the name and birthdate of each suspect, if any, and either the driver's license or other identification number of each suspect;

(3) the name, the birthdate, and either the driver's license or other identification number of each witness; and

(4) the name of the insurance company, policy number, and amount of insurance coverage.

(b) A supplemental reports report indicating disposition of each case shall be filed indicating disposition of the case within 30 days of disposition.

(c) ~~Each report shall be submitted through the investigative database used by the state fire marshal's investigations division.~~ Each certified fire investigator shall notify the state fire marshal immediately of each fire death or fire injury likely to result in death that the fire investigator has been assigned to investigate.

(d) Failure to file the reports or notify the state fire marshal as specified in this regulation shall be grounds for suspension or revocation of the certificate pursuant to K.A.R. 22-1-5.

(Authorized by K.S.A. 2009 2016 Supp. 31-133; implementing K.S.A. 2009 2016 Supp. 31-137; effective May 10, 1993; amended Aug. 5, 2011; amended P-_____.)

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22-24-1. Definitions. (a) "Chemical assessment team" (CAT) means either of the following:

(1) ~~A type of emergency response team whose primary objective is the assessment of chemical hazards; or~~

(2) ~~those members of a hazardous materials response team whose primary objective is the assessment of chemical hazards.~~

(b) ~~"Division" means the hazardous materials response division of the Kansas state fire marshal's office.~~

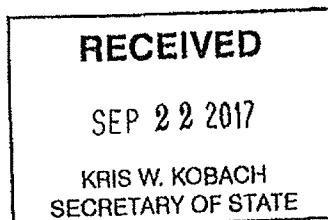
(c) ~~"Emergency response team" means a hazardous materials response team or chemical assessment team that has entered into a contract with the state fire marshal's office to provide a response to hazardous materials incidents.~~

(d) ~~"Hazardous materials response team" means a team whose primary responsibility is to respond to hazardous materials incidents with full capabilities to control or mitigate the situation in order to protect life and property from the hazardous materials incident.~~

(e) "Local authority" means the local unit of government's public safety agency that is in overall command at the scene of a hazardous materials incident.

(f) "Management system" means a combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of assigned resources to effectively accomplish stated objectives at the scene of an incident.

(g) "Mitigation" means the actions taken by an emergency response team to lessen the severity or intensity of a hazardous materials incident. Mitigation shall not include restoration of the scene to its preaccident condition and shall not be interpreted as including cleanup procedures, remediation, or both.



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~~(h) "NFPA" means the national fire protection association.~~

~~(i) "Primary response area" means the geographic portion of the state to which an emergency response team has been assigned to provide the principal response to incidents occurring in that area.~~

~~(j) (b) "Regional hazardous materials response team program" means the system of regionally located an emergency response teams who have team that has contracted with the state fire marshal to provide a response to hazardous materials incidents occurring in that area.~~

~~(k) "Response area" means the primary or secondary response area of an emergency response team.~~

~~(l) "Secondary response area" means the geographic portion of the state to which an emergency response team has been assigned to provide the alternate response to incidents occurring in that area.~~

~~(m) "State fire marshal" means the state fire marshal or the state fire marshal's designee.~~

(Authorized by and implementing K.S.A. 2016 Supp. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; amended P-_____.)

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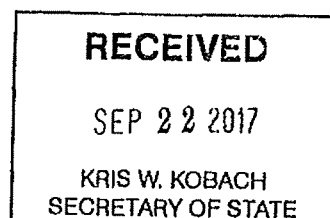
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22-24-2. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; revoked P-_____.)

22-24-3. (Authorized by and implementing K.S.A. 2008 Supp. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; amended Oct. 2, 2009; revoked P-_____.)

22-24-4, 22-24-5, and 22-24-6. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; revoked P-_____.)



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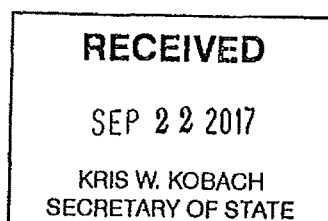
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~~22-24-7. Reporting and documentation~~ Notification of incidents. (a) Each emergency response team shall submit to the state fire marshal's office a detailed report of its response to each incident. The report shall be prepared in a manner and on a form prescribed by the state fire marshal and shall include the following data:

- ~~(1) A list of all equipment used and the personnel who responded;~~
- ~~(2) a description of all emergency actions taken;~~
- ~~(3) a copy of the site safety plans developed during the response; and~~
- ~~(4) completed cost recovery forms.~~

~~(b) When an emergency response has been activated, the emergency response team commander shall notify the Kansas department of health and environment and the Kansas division of emergency management.~~

(c) Each local jurisdiction requesting assistance from the emergency a regional hazardous materials response team shall notify the local Kansas division of emergency management representative and the Kansas department of health and environment that an incident has occurred. (Authorized by and implementing K.S.A. 2016 Supp. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; amended P-_____.)



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22-24-8, 22-24-9, 22-24-10, 22-24-11, 22-24-12, and 22-24-13. (Authorized by and
implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002;
revoked P-_____.)

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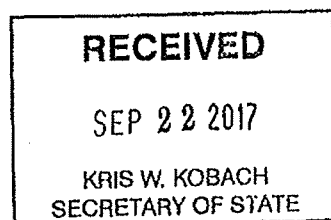
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22-24-15. ~~Coordinating~~ Assisting with emergency response activities. (a) The local authority that has jurisdiction and that requested the emergency response shall provide all necessary assistance to the ~~emergency~~ regional hazardous materials response team. ~~The emergency response team commander shall coordinate with those local, state, or federal agencies, or other organizations that are on the scene or providing assistance.~~

~~(b) Mutual aid agreements, interlocal agreements, or other forms of written agreements with local, state, or federal agencies within and without this state may be entered into by the state fire marshal to mutually support and foster assistance in response to hazardous materials incidents. (Authorized by and implementing K.S.A. 2016 Supp. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; amended P-_____.)~~



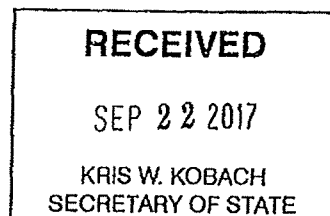
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22-24-16 and 22-24-17. (Authorized by and implementing K.S.A. 31-133; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; revoked P-_____.)

22-24-18. (Authorized by and implementing K.S.A. 31-133 and 31-135; effective, T-22-10-25-01, Oct. 25, 2001; effective Feb. 15, 2002; revoked P-_____.)



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**KANSAS STATE FIRE MARSHAL
ECONOMIC IMPACT STATEMENT**

**K.A.R. 22-6-12 and K.A.R. 22-6-16 (revocations)
K.A.R. 22-6-5, K.A.R. 22-6-20, K.A.R. 22-6-24, and K.A.R. 22-6-25 (amended)**

I. Summary of Proposed Regulation, Including Its Purpose.

Amendments to K.A.R. 22-6-20, K.A.R. 22-6-24, and K.A.R. 22-6-25 are primarily for the purpose of updating the nationally recognized fire prevention codes adopted pursuant to K.S.A. 31-506. The amendments to K.A.R. 22-6-24 and K.A.R. 22-6-25 eliminate license fees. The amendments to K.A.R. 22-6-5 create a second, earlier fireworks season for limited presales of fireworks, for example by charitable organizations as a fundraising mechanism; delivery or receipt of the fireworks will not be allowed until the existing retail fireworks season.

K.A.R. 22-6-12 and K.A.R. 22-6-16 are duplicative of existing statutes and are no longer required.

II. Whether or Not the Regulation Is Mandated by Federal Law.

This regulation is not mandated by federal law, but display fireworks are also regulated under 27 C.F.R. Part 555 by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). NFPA 1123, adopted in K.A.R. 22-6-20(a)(2) is consistent with and requires licensees to comply with ATF regulations, including 27 CFR Part 555.

III. Anticipated Economic Impact upon the State Fire Marshal's Office.

OSFM will work within its existing budget to implement the amendments to K.A.R. 22-6-20, K.A.R. 22-6-24, and K.A.R. 22-6-25.

The revocation of K.A.R. 22-6-12 and K.A.R. 22-6-16 is not expected to have any economic impact on OSFM.

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The amendments to K.A.R. 22-6-5 are expected to have positive economic impact on the entities that engage in presales of fireworks, but the scope is difficult to estimate and will vary from year to year.

IV. Anticipated Economic Impact upon Other Governmental Agencies or Units, Including Local Units of Government.

These proposed regulations are not expected to have any economic impact on other government entities.

V. Anticipated Economic Impact upon Private Individuals.

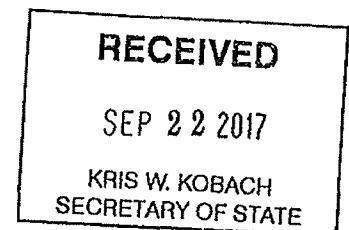
The elimination of fees is expected to have a positive economic impact on applicants, although the magnitude will vary from year to year. The updated editions of the nationally recognized fire prevention codes adopted in K.A.R. 22-6-20 are largely in line with existing editions and their adoption is not expected to have an adverse economic impact.

The revocation of K.A.R. 22-6-12 and K.A.R. 22-6-16 is not expected to have any economic impact on private individuals.

The amendments to K.A.R. 22-6-5 are not expected to have a negative economic impact on private individuals.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

Because NFPA 160, 1123, and 1124 contain nationally recognized standards for the regulation of fireworks, pyrotechnics, and flame effects, no less costly or intrusive methods were considered and rejected.



**KANSAS STATE FIRE MARSHAL
ECONOMIC IMPACT STATEMENT**

K.A.R. 22-8-10 (amended)

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 22-8-10 establishes the classes of liquefied petroleum gas industry licenses pursuant to K.S.A. 55-1812. This amendment eliminates the fee assessed to applicants in each license class.

II. Whether or Not the Regulation Is Mandated by Federal Law.

This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the State Fire Marshal's Office.

The Office of the State Fire Marshal (OSFM) does not require the fees currently assessed under K.A.R. 22-8-10; the fee reduction is not anticipated to have an adverse economic impact.

**IV. Anticipated Economic Impact upon Other Governmental Agencies or Units,
Including Local Units of Government.**

The amendment of K.A.R. 22-8-10 is not expected to have any economic impact on other government entities.

V. Anticipated Economic Impact upon Private Individuals.

Elimination of the licensing fees is expected to have a positive economic impact on licensees.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

Because this amendment eliminates the fees assessed to licensees, no less costly or intrusive methods were considered and rejected.

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**KANSAS STATE FIRE MARSHAL
ECONOMIC IMPACT STATEMENT**

K.A.R. 22-11-8 (revocation)

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 22-11-8 is duplicative of existing statutes and other rules and regulations, including federal rules and regulations. The revocation of this regulations is not anticipated to have any economic impact.

II. Whether or Not the Regulation Is Mandated by Federal Law.

This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the State Fire Marshal's Office.

The revocation of K.A.R. 22-11-8 is not expected to have any economic impact on the Office of the State Fire Marshal.

**IV. Anticipated Economic Impact upon Other Governmental Agencies or Units,
Including Local Units of Government.**

The revocation of K.A.R. 22-11-8 is not expected to have any economic impact on other government entities.

V. Anticipated Economic Impact upon Private Individuals.

The revocation of K.A.R. 22-11-8 is not expected to have any economic impact on private individuals.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the
Reason for Rejection.**

No less costly or intrusive methods were considered and rejected.

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**KANSAS STATE FIRE MARSHAL
ECONOMIC IMPACT STATEMENT**

K.A.R. 22-18-3 (revocation)

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 22-18-3 is duplicative of other existing statutes and rules and regulations. The revocation of this regulations is not anticipated to have any economic impact.

II. Whether or Not the Regulation Is Mandated by Federal Law.

This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the State Fire Marshal's Office.

The revocation of K.A.R. 22-18-3 is not expected to have any economic impact on the Office of the State Fire Marshal.

**IV. Anticipated Economic Impact upon Other Governmental Agencies or Units,
Including Local Units of Government.**

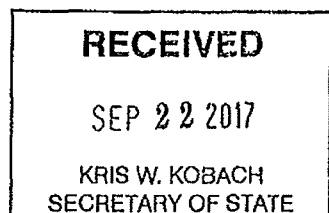
The revocation of K.A.R. 22-18-3 is not expected to have any economic impact on other government entities.

V. Anticipated Economic Impact upon Private Individuals.

The revocation of K.A.R. 22-18-3 is not expected to have any economic impact on private individuals.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

No less costly or intrusive methods were considered and rejected.



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**KANSAS STATE FIRE MARSHAL
ECONOMIC IMPACT STATEMENT**

K.A.R. 22-19-5 (amended)

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 22-19-5 imposes two new reporting requirements on Certified Fire Investigators (CFIs) in cases where a fire has caused a death or injury likely to result in death. The purpose of the regulation is to ensure the Office of the State Fire Marshal (OSFM) is timely made aware of fire deaths in the state and given the opportunity to assist the CFI during the investigation.

II. Whether or Not the Regulation Is Mandated by Federal Law.

This regulation is not mandated by federal law, and, therefore, the regulation does not exceed the requirements of federal law.

III. Anticipated Economic Impact upon the State Fire Marshal's Office.

OSFM will work within its existing resources to implement the amendments to K.A.R. 22-19-5.

**IV. Anticipated Economic Impact upon Other Governmental Agencies or Units,
Including Local Units of Government.**

The amendment of K.A.R. 22-19-5 is not expected to have any economic impact on other government entities.

V. Anticipated Economic Impact upon Private Individuals.

The amendment of K.A.R. 22-19-5 is not expected to have any economic impact on private individuals.

**VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the
Reason for Rejection.**

No less costly or intrusive methods were considered and rejected.

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**KANSAS STATE FIRE MARSHAL
ECONOMIC IMPACT STATEMENT**

K.A.R. 22-24-1, K.A.R. 22-24-7, and K.A.R. 22-24-15 (amended)
K.A.R. 22-24-2, K.A.R. 22-24-3, K.A.R. 22-24-4, K.A.R. 22-24-5, K.A.R. 22-24-6, K.A.R. 22-
24-8, K.A.R. 22-24-9, K.A.R. 22-24-10, K.A.R. 22-24-11, K.A.R. 22-24-12, K.A.R. 22-24-13,
K.A.R. 22-24-16, K.A.R. 22-24-17, and K.A.R. 22-24-18 (revocations)

I. Summary of Proposed Regulation, Including Its Purpose.

These proposed regulations overhaul the existing Hazardous Materials (hazmat) rules and regulations in order to reflect the current regional hazardous materials response team activation process.

II. Whether or Not the Regulation Is Mandated by Federal Law.

This regulation partially implements the Emergency Planning & Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

III. Anticipated Economic Impact upon the State Fire Marshal's Office.

The Office of the State Fire Marshal (OSFM) will work within its existing resources for implementation of K.A.R. 22-24-1, K.A.R. 22-24-7, and K.A.R. 22-24-15.

The revocation of K.A.R. 22-24-2 through 22-24-6, K.A.R. 22-24-8 through 22-24-13, and K.A.R. 22-24-16 through 22-24-18 is not expected to have any economic impact on OSFM.

**IV. Anticipated Economic Impact upon Other Governmental Agencies or Units,
Including Local Units of Government.**

The requirements of the revoked rules and regulations will be implemented through Memoranda of Understanding with each contracting response team. Therefore there is no expected economic impact on other government agencies, including local units of government, from these amendments.

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V. Anticipated Economic Impact upon Private Individuals.

These amendments are not expected to have any economic impact on private individuals.

VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.

No less costly or intrusive methods were considered and rejected.

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Murphy, Lara [KSOS]

From: Paschang, Craig <Craig.Paschang@ag.ks.gov>
Sent: Monday, September 25, 2017 5:31 PM
To: Murphy, Lara [KSOS]
Subject: RE: Proposed Hearing notice publication date

Oh, thanks so much! If there is still time to change to plural, that would be great – otherwise, it's not a big deal.

Thanks again,

Craig

From: Murphy, Lara [KSOS] [mailto:Lara.Murphy@ks.gov]
Sent: Monday, September 25, 2017 3:17 PM
To: Paschang, Craig <Craig.Paschang@ag.ks.gov>
Subject: Proposed Hearing notice publication date

Hi Craig,

I obviously could not count on Friday. In order to give at least a 60-day notice we need to publish your notice in the September 28 issue. Todd was nice enough to find room for it in this week's issue. Please let me know if this will cause any problems for you.

If it is published in the Sept. 28 issue it will allow a 62-day notice. The only other possible correction we found was the word regulation was singular in the title and in the sentence preceding the summaries. We can make it plural or we can leave it as you wrote it.

I apologize again for counting that incorrectly. I know I did it several times.

LARA MURPHY | Publications Editor

Kansas Secretary of State | 785-296-0082 P | 785-296-8577 F | www.sos.ks.gov
Memorial Hall, 1st Floor | 120 S.W. 10th Avenue | Topeka, KS 66612-1594



From: Paschang, Craig [mailto:Craig.Paschang@ag.ks.gov]
Sent: Thursday, September 21, 2017 4:28 PM
To: WEB Kansas Register [KSOS] <KansasRegister@ks.gov>
Subject: OSFM - Notice of Hearing

Please see attached.

Thanks,

Craig Paschang, Assistant Attorney General