

## Office of the State Fire Marshal

### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Office of the State Fire Marshal (“OSFM”) at 9:00 a.m. Thursday, February 8, 2024, in the Kansas Department of Transportation Auditorium Room 04A, 4th Floor, Eisenhower State Office Building, 700 SW Harrison St, Topeka, KS 66603, regarding the proposed amendment of K.A.R. 22-18-2, 22-18-3, and 22-8-5. These are regulations supporting the Fire Safety and Prevention Act within Educational Occupancies; and Application and Drawings for Liquid Petroleum gas containers.

**K.A.R. 22-18-2. Fire drills, tornado drills, and crisis drills in public and private educational institutions.** OSFM proposes to amend this regulation, changing it to match current statutory requirements of educational institutions when conducting fire, tornado, and crisis drills.

**K.A.R. 22-18-3. Construction requirements for school buildings.** OSFM proposes to amend this regulation, changing it to match the codes adopted by reference in K.A.R. 22-1-3.

**K.A.R. 22-8-5. Application and drawings.** OSFM proposes to amend this regulation, changes include organization of subsections and removing the \$35.00 review fee for applications for liquid petroleum gas containers.

The Office of the State Fire Marshal does not anticipate any significant economic or environmental impact on governmental agencies or units or the general public because of the changes to these regulations. Copies of the proposed regulations and the Economic Impact Statement may be found online at <https://firemarshal.ks.gov/158/Statutes-Regulations>, or by contacting Brenda McNorton at [brenda.mcnorton@ks.gov](mailto:brenda.mcnorton@ks.gov).

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments prior to the hearing to Brenda McNorton, Office of the State Fire Marshal, 800 SW Jackson Street, Ste. 104, Topeka, KS 66612, or via email at [brenda.mcnorton@ks.gov](mailto:brenda.mcnorton@ks.gov). Additionally, interested parties wanting to participate remotely may contact Brenda McNorton at [brenda.mcnorton@ks.gov](mailto:brenda.mcnorton@ks.gov) to obtain remote access information.

All interested parties will be given a reasonable opportunity to present their views, either orally, in writing, or both, concerning the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

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Any individual with a disability may request accommodations 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 contacting Brenda McNorton at (785) 296-3401 or via email at [brenda.mcnorton@ks.gov](mailto:brenda.mcnorton@ks.gov). Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 1-800-766-3777 for communication accommodations. Disabled parking is located north of the Eisenhower State Office Building in state parking lot 8B. The north entrance to the Eisenhower State Office Building is accessible.

Mark Engholm  
State Fire Marshal  
Office of the State Fire Marshal

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**22-8-5. Application and drawings.** (a) Each LP gas marketer who wants to construct an a LP gas facility or make a major modification to an existing liquefied petroleum gas facility shall submit an application, on a form provided by the state fire marshal's office, with drawings to the state fire marshal's office as specified in this regulation. If required, the marketer shall send a copy of the drawings to the local authority having jurisdiction before the marketer begins the construction or a major modification.

(a)(b) Each application shall be accompanied by drawings, which shall be made to scale on paper no larger than 11 inches by 17 inches. The tank drawings and site plan shall be clear and readable and shall show all dimensions. The applicant shall submit the application, and drawings, ~~and a review fee of \$35~~ and shall obtain approval from the state fire marshal before the construction of, or any major modification to, any of the following:

- (1) Any bulk storage or transfer facility with an aggregate water capacity of more than 2,000 gallons;
- (2) any tank installed for the retail sale of LP gas through dispenser devices;
- (3) any portable cylinder storage and filling facility;
- (4) any vehicle fuel dispensing station;
- (5) any facility where the handling or use of liquefied petroleum gas is undertaken; or
- (6) any liquefied petroleum gas service station.

(b)(c) The construction or major modification of any liquefied petroleum gas facility with an aggregate water capacity exceeding 2,000 gallons shall not commence until the application and drawings are reviewed and approved by the state fire marshal.

(e)(d) The requirement to submit drawings for approval shall be in addition to any local jurisdiction's zoning or permit approval requirements and any additional local requirements.

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~~(d)~~(e) All submitted drawings shall include the following information:

(1) The name of the person, firm, or corporation planning the new or modified LP gas facility, the location of the proposed facility, and the location of the adjacent streets or highways;

(2) for bulk plants, the location of the plot of ground to be utilized and its immediate surroundings, including any structures of value located on adjacent properties within 100 feet of the property line on all sides, and the complete layout of the buildings, tanks, point-of-transfer operations, driveways, and dispensing equipment;

(3) the location, capacity, and dimensions of each tank; the types, sizes, and locations of all valves, including hydrostatic relief and emergency shutoff valves; the location of all lines and pumps; the location of the plot of ground to be utilized; and the complete layout of the buildings, driveways, and dispensing equipment;

(4) the type, size, and location of all ~~appliances~~ appliance piping located below ground and connected to aboveground equipment;

(5) for underground storage, the location and capacity of each tank, the class and name of the liquid to be stored in each tank, and the location of the fill openings, gauges, vent pipes, valves, and regulators; and

(6) all details specifically requested in the application; ~~and~~

~~(7) any other relevant information deemed necessary by the state fire marshal.~~ (Authorized by and implementing K.S.A. 55-1810; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983; amended March 31, 2006; amended P- \_\_\_\_\_.)

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**22-18-2. Fire drills, and tornado drills, and crisis drills in public and private schools**

**educational institutions.** (a) Each administrator of a public or private educational institution,

~~The administrators of all schools, both public and private in the state of Kansas except a~~  
community junior colleges college, colleges college, and universities or university, shall conduct  
at least ~~one (1) fire drill each month~~ four fire drills each school year. Each fire drill ~~Fire drills~~  
shall be conducted during school hours ~~aside from~~ at a time other than the regular dismissal time  
~~at noon at the close of days the day's session.~~ Each fire drill ~~Fire drills~~ shall be unannounced and  
shall be conducted by the use of the regular fire alarm system. Each fire drill ~~Fire drills~~ shall  
include all floors, wings, and sections of ~~the~~ each building. ~~Every~~ Each person shall vacate the  
building they are occupying during the fire drill, and teachers and administrators shall  
accompany their pupils from the buildings and account for each pupil within their authority. ~~All~~  
~~doors and exits shall be kept unlocked and unobstructed when building is occupied. It shall be~~  
~~the duty of the school board or board of trustees of~~ Each administrator of a public or private  
educational institution or a school district ~~all schools both public and private to assure~~ shall  
ensure that ~~such the~~ fire drills are conducted and that true and accurate records of ~~such the~~ drills  
are kept on forms provided by the state fire marshal and posted in a conspicuous location, and  
~~filed with the state fire marshal at the end of each school year. It shall also be the responsibility~~  
~~of said school boards that the fire alarm system in each school within their district is maintained~~  
~~in working order and shall be activated at all times during occupancy.~~

(b) Each administrator of a public or private educational institution, ~~The administrators of~~  
~~all schools both public and private except a~~ community junior colleges college, colleges college,  
and ~~universities or university,~~ shall conduct at least ~~three (3)~~ two tornado drills during each

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school year. Each tornado drill ~~Tornado drills~~ shall be conducted during school hours ~~aside from~~  
~~at a time other than the regular dismissal time at noon or at the close of the day's session.~~

~~Tornado drills~~ Each tornado drill shall be unannounced and shall be conducted by using a  
method means of alerting ~~that is distinctly different from the fire alarm and crisis alarm, this~~  
~~may be by using public address system, or by method recommended by local civil defense~~  
~~director.~~ Tornado drills Each tornado drill shall include all floors, wings, and sections of the each  
building, and every each person in the building shall take refuge in a designated tornado safety  
area. The An school administrator shall determine the areas area to be used for tornado refuge  
and shall work with local civil defense director, the local emergency management coordinator or  
emergency manager, in areas locales where one is available, to establish tornado safety  
procedure procedures. It shall be the duty of the school board or board of trustees of all schools,  
Each superintendent of a public or private educational institution or a school district both public  
and private, to assure shall ensure that such the tornado drills are conducted and that a true and  
accurate records record of the such drills are kept on forms provided by the state fire marshal and  
posted in a conspicuous location, ~~and filed with the state fire marshal at the end of each school~~  
~~year.~~

(c) ~~The administrator of each community junior college, college and university within the~~  
~~state shall establish tornado procedures for each facility within their institution designating~~  
~~tornado safety refuge areas and posting them as such, and posting within each building in a~~  
~~conspicuous location, a notice of location of tornado safety refuge area. Administrators shall~~  
~~provide copies of tornado plan to local civil defense director for approval or in areas where there~~  
~~is no local civil defense director, plan shall be furnished to state civil defense council for~~

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~~approval.~~ Each administrator of a public or private school, except a community college, college, or university, shall conduct at least three crisis drills during each school year. Each crisis drill shall be conducted during school hours at a time other than the regular dismissal time at the close of the day's session. Each crisis drill shall be unannounced and shall be conducted using a means of alerting that is different from the fire and tornado alarms. Each crisis drill shall include all floors, wings, and sections of the building.

(d) Upon written request from an administrator pursuant to K.S.A. 31-136 and amendments thereto, a variance in the number or manner of drills conducted pursuant to this regulation may be granted by the state fire marshal for students receiving special education or related services at that school. (Authorized by and implementing K.S.A. 1978 Supp. 31-133; effective May 1, 1979; amended P-\_\_\_\_\_.)

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**22-18-3. Construction requirements for school buildings.** (a) The construction of each school ~~buildings~~ building shall meet the requirements of the international building code, 2006 edition, which is adopted by reference in K.A.R. 22-1-3 as specified in K.S.A. 31-134a and amendments thereto. All electric wiring shall conform to the requirements of the national electric code of the national fire protection association, which is adopted by reference in K.A.R. 22-1-3.

(b) The construction of each mobile, modular, portable, or relocatable school ~~buildings~~ building shall meet the requirements of the ~~life safety code adopted by K.A.R. 22-1-3~~ life safety code, which is adopted by reference in K.A.R. 22-1-3. (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; amended P-\_\_\_\_\_.)

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## Kansas Administrative Regulations Economic Impact Statement (EIS)

OFFICE OF THE STATE FIRE MARSHAL

Agency

Brenda McNorton

Agency Contact

785-296-0656

Contact Phone Number

22-8-5; 22-18-2; 22-18-3

K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

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## Section I

Brief description of the proposed rule(s) and regulation(s).

K.A.R. 22-5-8 applies to liquefied petroleum (LP; commonly known as propane) facilities and operator licensees; the amendment of K.A.R. 22-8-5 removes the \$35 fee for the State Fire Marshal's review of construction applications.

K.A.R. 22-18-2 and 22-18-3 apply to tornado drills and crisis drills in public and private educational institutions and construction requirements for school buildings. The amendment of K.A.R. 22-18-2 reflects the change in the authorizing statute. The amendment of K.A.R. 22-18-3 removes the specific building code year for school building construction and instead adopts the code(s) referenced in K.A.R. 22-1-3.

## Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

The regulation amendments for the K.A.R.'s list above are not mandated by the federal government.

## Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

The amendment of K.A.R. 22-8-5 eliminates a \$35 fee that was due only when a new facility was built, or major modifications were made to existing facilities.

The amendment of K.A.R. 22-18-2 will not enhance or restrict business activities and growth.

The amendment of 22-18-3 will provide new school facilities with more options that the older codes may have not provided.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

The amendment of these regulations will have no economic impact and will have no compliance costs.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

(A) Any company that sells propane in Kansas; (B) Kansas educational institutions; and (C) companies that construct school buildings

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- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

N/A. The regulations have no implantation costs.

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

None were necessary because the amendments have no cost or impact on business and economic development.

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

*Note: Do not account for any actual or estimated cost savings that may be realized.*

Costs to Affected Businesses – \$0.00

Costs to Local Governmental Units – \$0.00

Costs to Members of the Public – \$0.00

**Total Annual Costs – \$0.00**

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

[Click here to enter agency response.](#)

- ☐ Yes      If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs and regulation(s), did the agency hold a public hearing to find that the estimated costs
- ☐ No
- ☒ Not Applicable      have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

If applicable, [click here to enter public hearing information.](#)

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None because there will be no economic impact.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

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[Click here to enter agency response.](#)

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

N/A.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

N/A.

## Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.  
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

[Click here to enter agency response.](#)

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

[Click here to enter agency response.](#)

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

[Click here to enter agency response.](#)

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

[Click here to enter agency response.](#)

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