

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 (“KSFM”) at 1:00 p.m. Monday, April 13, 2026, in the Docking State Office Building Room 126 (Twister), 1st Floor, 915 SW Harrison St., Topeka, Kansas 66612, regarding the proposed amendment of K.A.R. 22-5-1 and 22-5-2. These regulations support the Fire Safety and Prevention Act and relate to the reporting of fire incidents, casualties, and fire deaths.

K.A.R. 22-5-1. Reporting of incidents and casualties. KSFM proposes to amend this regulation to require local reporting through the updated federal National Emergency Response Information System (NERIS) instead of the discontinued NFIRS system. The amendment also changes the reporting deadline to fourteen (14) days after the incident and reassigns responsibility for submitting the report from the chief law enforcement officer to the county sheriff in locations where there is no chief of an organized fire department.

K.A.R. 22-5-2. Reporting of fire deaths. KSFM proposes to amend this regulation by removing the seventy-two (72) hour reporting deadline for fire deaths, requiring immediate reporting, and clarifying the purpose of such reporting.

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 Jared P. Smith at jared.smith@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 Jared P. Smith, Office of the State Fire Marshal, 800 SW Jackson Street, Ste. 104, Topeka, KS 66612, or via email at jared.smith@ks.gov. Additionally, interested parties wanting to participate remotely may contact Jared P. Smith at jared.smith@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.

RECEIVED

JAN 30 2026

SCOTT SCHWAB
SECRETARY OF STATE

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 Jared P. Smith at (785) 296-8078 or via email at jared.smith@ks.gov. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 1-800-766-3777 for communication accommodations. Accessible parking is located east of the Docking State Office Building. The east entrance to the Docking State Office Building is accessible.

Mark Engholm
State Fire Marshal
Office of the State Fire Marshal

RECEIVED

JAN 30 2026

SCOTT SCHWAB
SECRETARY OF STATE

22-5-1. Reporting of incidents and casualties. (a) The chief of any organized fire department, regular or volunteer, ~~or the chief law enforcement officer where no fire department exists~~ shall submit the following reports information to the state fire marshal for each incident occurring in the chief's municipality, township, or fire district territory:

(1) An incident report for each incident where a response is made, regardless of whether an actual fire occurred;

(2) casualty reports for each civilian casualty (injury or death) that occurs as the result of any fire or explosion; and

(3) casualty reports for each firefighter casualty (injury or death) that occurs while acting in an official role as a firefighter.

(b) Each report shall be submitted by the 20th of the month within 14 days of following the incident.

(c) After January 1, 1984 2026, Kansas uniform fire incident reporting system (K-FIRS) incident and casualty report forms shall be the only approved report forms, ~~except that: (1) a municipality or fire district territory that can provide a machine readable medium which has been approved in writing by the state fire marshal may report by the machine readable medium; and (2) only the incident and casualty report forms will be accepted from a fire department after the fire department has complete training on the forms.~~ each chief of an organized fire department shall submit the information required in subsection (a) to the state fire marshal through the national emergency reporting information system (NERIS).

(d) If a fire occurs where no organized fire department exists, the county sheriff shall submit a written report that includes the information required in subsection (a) to the state fire

APPROVED

JAN 12 2026

DEPT. OF ADMINISTRATION

APPROVED

JAN 21 2026

ATTORNEY GENERAL

RECEIVED

JAN 30 2026

SCOTT SCHWAB
SECRETARY OF STATE

marshal within 14 days of each incident. (Authorized by and implementing K.S.A. ~~1984 Supp.~~
31-133(a)(6); effective May 1, 1980; amended May 1, 1982; amended May 1, 1986; amended P-
_____.)

APPROVED

JAN 12 2026

DEPT. OF ADMINISTRATION

APPROVED

JAN 31 2026

ATTORNEY GENERAL

RECEIVED

JAN 30 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

22-5-2 Reporting of fire deaths. It shall be the duty of the chief of any organized fire department, regular or volunteer, or the chief law enforcement officer where no fire department exists, to immediately report the name and address of any firefighter or other person who dies as a result of any fire or explosion in ~~his or her~~ the chief's municipality or fire district territory to the state fire marshal ~~by telephone within seventy-two (72) hours. Telephone notification does not relieve the fire department of other reporting requirements.~~ Upon receipt of the reported information, investigatory assistance may be provided by the state fire marshal. (Authorized by and implementing K.S.A. 31-133(a)(6); effective May 1, 1980; amended May 1, 1982; amended P-_____.)

APPROVED

JAN 12 2026

DEPT. OF ADMINISTRATION

APPROVED

JAN 21 2026

ATTORNEY GENERAL

RECEIVED

JAN 30 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Kansas Administrative Regulations Economic Impact Statement (EIS)

KANSAS STATE FIRE MARSHAL

Agency

Jared P. Smith

Agency Contact

785-296-8078

Contact Phone Number

22-5-1; 22-5-2

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 or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?

☐ Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-422, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for 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. The submitted EIS will be analyzed by the Division of the Budget for approval.

DOB APPROVAL STAMP

RECEIVED

JAN 30 2026

**SCOTT SCHWAB
SECRETARY OF STATE**

Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

K.A.R. 22-5-1 and K.A.R. 22-5-2 apply to the reporting of fire incidents, casualties, and fire deaths.

The amendment of K.A.R. 22-5-1 requires local reporting through the updated federal National Emergency Response Information System (NERIS) instead of the outgoing NFIRS system. Additionally, the amendment changes the reporting deadline to fourteen (14) days from the incident and reassigns the responsibility to submit the report from the chief law enforcement officer to the county sheriff in locations where there is no chief of an organized fire department.

The amendment of K.A.R. 22-5-2 removes the seventy-two-hour reporting deadline for fire deaths to require immediate reporting and clarifies the purpose of such reporting.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

The amendment of K.A.R. 22-5-1 meets the requirements of 15 U.S.C. §2208, wherein fire data must be provided to NERIS instead of NFIRS.

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 amended regulations impose neither fee nor costs on business activities or growth because the requirement of the regulations apply only to government entities and are aimed to enhance public safety and ensure accurate reporting of fire incidents.

DOB APPROVAL STAMP

RECEIVED

JAN 30 2026

SCOTT SCHWAB
SECRETARY OF STATE

- 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 will 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 direct economic impact on specific businesses, utility ratepayers, or individuals. Local governments may experience secondary economic effects because NERIS is fully supported and paid for by the US Fire Administration. Although there is no cost to the KSFM or any local small government, local government agencies may utilize their own Records Management System (RMS), at their own expense, to enter incidents into NERIS. Not all local government agencies have their own RMS; these agencies would directly input their data into NERIS.

Local government agencies may log in to NERIS directly and manually input data at no cost. If they do pay for their own record management system, then most of the RMS systems automatically upload the information to NERIS through application programming interfaces. The cost of the RMS thus becomes the cost of these regulations.

RMS systems generally cost \$2,500.00 annually for a small government agency, though it can vary based on vendors, scale, and numbers of users.

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

Local fire departments; and county and municipal law enforcement.

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

N/A, as the amended regulations have no implementation 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;

KSFM could take no measures to minimize the cost and impact of the proposed regulations because NERIS is provided and sustained by the US Fire Administration. However, KSFM did consult local fire marshals throughout Kansas, who confirmed that there would be no direct costs on their agencies to implement these proposed regulatory amendments.

DOB APPROVAL STAMP

RECEIVED

JAN 30 2026

SCOTT SCHWAB
SECRETARY OF STATE

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 individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0.00

Costs to Local Governmental Units – \$2,500.00

Costs to Individuals – \$0.00

Total Annual Costs – \$2,500.00

(sum of above amounts)

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

KSFM used NERIS data provided by the U.S. Fire Administration and Fire Safety Research Institute (FSRI) to define the structure and scope of emergency response data collection and reporting. This information included details on software licensing and customization, personnel hours for data entry and validation, and administrative review costs.

KSFM then applied this data to the Kansas Department of Administration's data on the cost estimates for labor, materials, and capital improvements across fiscal year FY2025, which includes inflation-adjusted cost estimates. Annual baseline costs were made from FY2025 agency budgets. KSFM made these baseline estimates from the line items related to IT infrastructure upgrades, staff training, and data integration and reporting systems. KSFM then scaled these costs based on agency size and scope of emergency services involvement. Small agencies were modeled with shared service dependencies (e.g., IT and legal) increasing indirect costs.

Based on input received from local government stakeholders, the final estimated cost of \$2,500.00, above, will likely not be felt by local governments because these costs are already anticipated and covered by staff salaries and RMS subscriptions currently in place.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs 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.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

DOB APPROVAL STAMP

RECEIVED

JAN 30 2026

SCOTT SCHWAB
SECRETARY OF STATE

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. KSFM incurs no cost to utilize NERIS.

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.

Both the immediate and long-range estimated economic impact of the proposed amended regulations include the costs a small local government agency uses for its own records management systems. Costs to using an RMS is already part of current fiscal plans. For those small agencies that directly input information into NERIS, there is no immediate or long-range economic impact because NERIS is provided free of charge by the US Fire Administration.

DOB APPROVAL STAMP

RECEIVED

JAN 30 2026

SCOTT SCHWAB
SECRETARY OF STATE

- 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, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

KSFM consulted with local fire marshals throughout Kansas to confirm that there would be no direct costs on their agencies to implement these proposed regulatory amendments.

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 individuals or entities 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 individuals who will 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, the individuals or entities who will bear the costs and who will 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.

DOB APPROVAL STAMP

RECEIVED

JAN 30 2026

SCOTT SCHWAB
SECRETARY OF STATE