

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

January 28, 2014

The State Fire Marshal will conduct a public hearing at 10:00 a.m. Tuesday, April 8, 2014, in the Florentine Room of Jayhawk Tower, 700 SW Jackson, Topeka, to consider the adoption of amendments to K.A.R. 22-8-11 and K.A.R. 22-8-12 and the revocation of K.A.R. 22-8-4 and K.A.R. 22-8-7.

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, 700 SW Jackson, Suite 600, Topeka, Kansas 66603 or by email to mende.barnett@ksfm.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 contacting Mende Barnett at mende.barnett@ksfm.ks.gov or (785) 296-0659.

A summary of the proposed regulations and their estimated economic impact follow. Copies of the proposed regulations and the economic impact statement may be obtained by contacting Mende Barnett at the email address or phone number listed above.

K.A.R. 22-8-4 and K.A.R. 22-8-7 (revocations). These regulations, which address check-list certificates and check-list seals for propane powered vehicles, have not been enforced and are being revoked as unnecessary.

K.A.R. 22-8-11. This regulation governs the initial training requirements for obtaining propane licenses pursuant to K.S.A. 2013 Supp. 55-1812. The proposed amendments would clarify how these requirements apply to business entities and would lower the training requirements for obtaining certain licenses, in particular cylinder filling licenses and recreational vehicle fueling licenses

K.A.R. 22-8-12. This regulation, which specifies the continuing education requirements for propane licensees, is being amended to provide greater clarity about the required refresher training.

Economic Impact. Because K.A.R. 22-8-4 and K.A.R. 22-8-7 are not being enforced, their revocation is not expected to have any economic impact. The amendments to K.A.R. 22-8-

11 will have a positive economic impact by reducing the training requirements for certain licenses. The amendments to K.A.R. 22-8-12 are designed to clarify current practice and therefore will have no economic impact.

22-8-4. (Authorized by and implementing K.S.A. 31-133; effective, E-82-28, Dec. 22, 1981; effective May 1, 1982; amended May 1, 1983; revoked P-_____.)

22-8-7. (Authorized by and implementing K.S.A. 1985 Supp. 31-133; effective May 1, 1986; amended May 1, 1987; revoked P-_____.)

22-8-11. Initial training requirements for initial licenses; instructor and class approval. (a)

For each type of initial license sought, each applicant or, if the applicant is not an individual, an agent or employee of the applicant shall complete the required training specified in this regulation ~~and approved by the state fire marshal.~~

(b) If the individual who completed the required training specified in this regulation ceases to be an agent or employee of the licensee, another agent or employee of the licensee shall complete the training specified in this regulation within six months of the date the individual who previously completed the training ceased to be an agent or employee of the licensee.

(c) ~~Each instructor and each class shall be required to be approved in advance by the state fire marshal. Each class, and any equivalent class approved by the state fire marshal, shall be required to meet the corresponding standards in the following certified employee training program (CETP) instructor guides by the propane education and research council (PERC) and the national propane gas association (NPGA), which are hereby adopted by reference:~~

(1) ~~“Basic principles and practices,” dated 2004;~~

(2) ~~“basic plant operations,” dated 2004;~~

(3) ~~“layout, design and selection of a vapor distribution systems operation” and “preparing and installing DSO components,” dated 2004;~~

- (4) ~~“transfer systems operations,”~~ dated 2001;
- (5) ~~“propane delivery basics,”~~ dated 2004;
- (6) ~~“dispensing propane safely,”~~ dated 2005; and
- (7) ~~“appliance installation,”~~ dated 2001.

(e) (d) Each applicant shall submit proof of successful completion of the following ~~required training~~ certified employee training program (CETP) or propane education and research council (PERC) courses or equivalent courses approved by the state fire marshal, as applicable, to the state fire marshal’s office:

(1) For a class one dealer license, the basic principles and practices class, except that this requirement shall not apply to any applicant seeking a class four or class five license who will not otherwise engage in the retail distribution of liquefied petroleum gas;

(2) for a class two bulk storage site license, the basic plant operations class, ~~the distribution systems operation class, and the transfer systems operations class;~~

(3) for a class three cylinder transport license, the propane delivery ~~basics~~ operations and cylinder delivery class or the bobtail delivery operations class;

(4) for a class four cylinder filling license, the dispensing propane safely class;

(5) for a class five recreational vehicle fueling license, the ~~basic principles and practices~~ dispensing propane safely class;

(6) for a class six cylinder exchange cabinet license, one of the following:

(A) If the applicant is a cylinder exchange company, the basic principles and practices class; or

(B) if the applicant owns or operates an individual cylinder exchange location, no required training;

(7) for a class seven self-serve liquefied petroleum gas dispensing license, the ~~basic principles and practices~~ dispensing propane safely class and the ~~transfer systems operations~~ class; ~~or~~ and

(8) for a class eight installation and service of liquefied petroleum gas systems license, the basic principles and practices class and ~~either~~ one of the following:

(A) ~~The appliance installation~~ installing appliances and interior vapor distribution systems class ~~or~~;

(B) ~~the layout, design and selection of a~~ designing and installing exterior vapor distribution systems ~~operation~~ class; or

(C) systems testing training. (Authorized by and implementing K.S.A. 2013 Supp. 55-1812; effective March 31, 2006; amended P-_____.)

22-8-12. ~~Continuing education requirements for license renewal~~ Refresher training. (a)

~~Continuing education shall cover the normal job functions that the licensee is expected to perform and any new equipment, standards, and recommended practices or procedures introduced by the propane industry since the last license was issued.~~ Each licensee shall ensure that one of the following occurs at least every three years:

(1) The individual who completed the initial training required by K.A.R. 22-8-11 completes the corresponding refresher training.

(2) An agent or employee of the licensee other than the individual specified in paragraph (a)(1) completes the initial training specified in K.A.R. 22-8-11.

(b) Each instructor and each ~~continuing education class~~ refresher course shall be ~~required to be~~ approved in advance by the state fire marshal.

(c) Each licensee shall submit proof of ~~the required continuing education~~ compliance with this regulation to renew the license.

~~For a class six cylinder exchange cabinet license, the licensee shall submit proof of the required continuing education for the licensee's designee at each leased or contracted location.~~

(Authorized by and implementing K.S.A. 2013 Supp. 55-1812; effective March 31, 2006; amended P-_____.)

**KANSAS STATE FIRE MARSHAL
ECONOMIC IMPACT STATEMENT**

**K.A.R. 22-8-11 and 22-8-12 (amendments)
K.A.R. 22-8-4 and 22-8-7 (revocations)**

I. Summary of Proposed Regulation, Including Its Purpose.

K.A.R. 22-8-4 and K.A.R. 22-8-7, which address check-list certificates and check-list seals for propane powered vehicles, have not been enforced and are being revoked as unnecessary. The amendments to K.A.R. 22-8-11 clarify how the initial training requirements for obtaining a propane license apply to business entities and lower the requirements for obtaining certain types of licenses, in particular cylinder filling licenses and recreational vehicle fueling licenses. K.A.R. 22-8-12, which specifies the continuing education requirements for propane licensees, is being amended to provide more information about required refresher training.

II. Whether or Not the Regulations Are Mandated by Federal Law.

These regulations are not mandated by federal law and therefore do not exceed the requirements of federal law.

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

These regulations are not expected to have any economic impact on the State Fire Marshal's Office.

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

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

V. Anticipated Economic Impact upon Private Persons.

By reducing the training requirements for certain propane licenses, the amendments to K.A.R. 22-8-11 will have a positive economic impact on propane licensees. The other regulations are not expected to have any economic impact on private persons.

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.