

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Office of the State Fire Marshal
Agency

Doug Jorgensen
Agency Contact

785-296-3401
Contact Phone Number

22-1-2, 22-1-3, 22-1-5, 22-1-6, 22-1-8, 22-1-9, 22-1-10, 22-1-11, 22-1-12; 22-1-13, 22-1-14, 22-11-8, 22-18-2, 22-18-3
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

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

The purpose of these rules and regulations is to update to the nationally recognized Fire Prevention Code. Nationally recognized standards are updated every three to five years. The progressions with codes will allow additional safety measure that may not be available in the older code. Updating of these regulations will bring the State of Kansas in line with a majority of Local Municipalities, both cities and counties as well as the architect and engineer community. Most of the Local Authorities and Architects are working with the newer codes and struggle when they must design a building with an older set of codes simply because they are not accustomed to working in such out dated codes.

New K.A.R. 22-1-13 contains the content that is stricken from K.A.R. 22-1-5, with one sentence being removed. K.A.R. 22-1-14 contains the content that is stricken from K.A.R. 22-1-6, with amendments. K.A.R. 22-11-8 is being revoked because all of its substance is covered in other regulations. K.A.R. 22-18-2 is revised to reflect a change in the authorizing statute. There is no economic impact resulting from the changes to these four regulations.



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

The regulation amendment for all K.A.R.'s listed above, are not mandated by the federal government. There are various types of facilities such as Education K-12, Childcare, College/Board of Regents, Assembly, Jail/Detentions, Business, Hotel/Motel and Residential Board and Care with 4 or more which we provide Life Safety for the welfare of the occupants. See notebook attached for further reference.

III. Agency analysis specifically addressing following:

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

The safety and welfare of all occupants of any building within the State of Kansas where people work, live or congregate will greatly enhance business activities. In many cases the updated codes will provide the facilities with more options that the older codes may have not provided. These proposed regulations will affect newly designed buildings and/or existing buildings that change occupancy. All existing facilities will be considered existing until such time they will make a change in the building and/or licensing. See notebook attached for further reference.

With OSFM moving from the 2006 to the 2018 code in many cases the code is less restrictive and will also provide cost savings to the facilities.

There are 50 of the largest Cities in the State of Kansas which have already adopted the newer editions of the International Building Code and International Fire Code. A majority of the projects in the larger cities will already be utilizing the newer code. They are as follows:

| 50 Largest Cities in Kansas | IBC | IFC |
|------------------------------------|------------|------------|
| Wichita | 2018 | 2012 |
| Overland Park | 2012 | 2012 |
| Kansas City | 2012 | 2012 |
| Olathe | 2018 | 2018 |
| Topeka | 2015 | 2015 |
| Lawrence | 2018 | 2018 |



| | | | |
|--------------------|--|------|-----------|
| Shawnee | | 2018 | 2018 |
| Manhattan | | 2015 | 2015 |
| Lenexa | | 2018 | 2018 |
| Salina | | 2012 | 2012 |
| Hutchinson | | 2012 | 2012 |
| Leavenworth | | 2006 | 2006 |
| Leawood | | 2012 | 2012 |
| Dodge City | | 2009 | 2009 |
| Garden City | | 2018 | 2018 |
| Emporia | | 2015 | 2006 |
| Derby | | 2018 | 2018 |
| Junction City | | 2012 | 2018 |
| Prairie Village | | 2012 | 2012 |
| Gardner | | 2012 | 2012 |
| Hays | | 2015 | 2015 |
| Pittsburg | | 2012 | 2012 |
| Liberal | | 2015 | 2006 |
| Newton | | 2012 | 2012 |
| Great Bend | | 2006 | 2006 |
| McPherson | | 2009 | 2009 |
| Andover | | 2012 | 2003 |
| El Dorado | | 2006 | 2006 |
| Ottawa | | 2012 | 2012 |
| Winfield | | 2015 | 2015 |
| Lansing | | 2003 | 2003 |
| Arkansas City | | 2009 | 2009 |
| Haysville | | 2012 | 2018 |
| Merriam | | 2012 | 2012 |
| Atchison | | 2012 | 2012 |
| Parsons | | 2006 | 2006 |
| Coffeyville | | 2012 | 2012 |
| Mission | | 2012 | 2012 |
| Augusta | | 2003 | 2003 |
| Chanute | | 2006 | KFPC |
| Independence | | 2012 | 97 UFC |
| Bel Aire | | 2006 | 2012 |
| Wellington | | 2009 | 2015 |

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| DIVISION OF THE BUDGET |

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|----------------|--|------|------|
| Fort Scott | | 2012 | 2012 |
| Bonner Springs | | 2015 | 2015 |
| Park City | | 2006 | 2003 |
| Valley Center | | 2018 | 2012 |
| Roeland Park | | 2012 | 2012 |
| Pratt | | 2015 | 2015 |
| Spring Hill | | 2006 | 2006 |

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 and regulation and on the state economy as a whole;

The estimated total cost for compliance will be **listed below in the chart**. This estimate is based on the cost of enhancements associated with the code if a facility was required to purchase the necessary equipment. The cost was determined based on the estimated percentage of new facilities over the last 3 years.

| Facility Type | 2017 | 2018 | 2019 | 3-year Average of New Projects | Coefficient | Adjusted Annual Average | Variables | Cost per Building | Total Annual Average Cost |
|---|------|------|------|--------------------------------|-------------|-------------------------|-------------|-------------------|---------------------------|
| AL Large (i.e. care homes with 17 or more clients) | 11 | 12 | 8 | 10.33 | NA | NA | See Note 1 | NA | \$ - |
| AL Small (i.e. care homes with 16 or less clients) | 31 | 49 | 40 | 40 | NA | NA | See Note 2 | \$ 4,500.00 | \$ 180,000.00 |
| College Dorms | 6 | 4 | 4 | 4.66 | NA | NA | See Note 3 | NA | \$ - |
| College Classrooms | 22 | 25 | 30 | 25.66 | -95% | 1.28 | See Note 4 | \$ 225,000.00 | \$ 288,000.00 |
| Childcare (including home daycares) | 13 | 43 | 34 | 30 | NA | NA | See Note 5 | NA | \$ - |
| Business Occupancy (i.e. restaurants with 49 or less) | 0 | 4 | 6 | 3.33 | NA | NA | See Note 6 | NA | \$ - |
| Assembly Occupancy (i.e. restaurants with 50 or more) | 5 | 4 | 2 | 3.66 | -90% | 0.36 | See Note 7 | \$ 150,000.00 | \$ 54,000.00 |
| Jails/Detention | 3 | 0 | 3 | 2 | -80% | 0.4 | See Note 8 | \$ 20,000.00 | \$ 8,000.00 |
| Hotels/Motels | 2 | 5 | 2 | 3 | NA | NA | See Note 9 | NA | \$ - |
| K-12 Schools | 95 | 59 | 62 | 72 | -70% | 21.6 | See Note 10 | \$ 30,000.00 | \$ 648,000.00 |
| Total Estimated Statewide Annual Cost | | | | | | | | | \$1,178,000.00 |

C. Businesses that would be directly affected by the proposed rule and regulation;

There are various types of facilities such as Education K-12, Childcare, College/Board of Regents, Assembly, Jail/Detentions, Business, Hotel/Motel and Residential Board and Care with 4 or more which we provide Life Safety for the welfare of the occupants. See notebook attached for further reference.



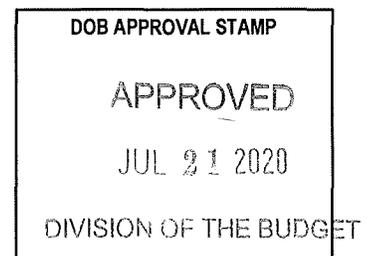
D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The progression with codes will allow additional safety measure that may not be available in the older code. Updating of these regulations will bring The State of Kansas in line with a majority of Local Municipalities both cities and counties.

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;

The agency will provide ongoing support to each facility we deal with to assure we minimize the impact. Our Statute 31-136 provides the agency the ability to work with facility owner through granting exemptions of specific requirement of a rule or regulation if it was to cause unnecessary hardship to the owner.

Also, our Agency worked with an Advisory Board consisting of the following groups: American Fire Sprinkler Association; Automatic Fire Alarm Association; Kansas Plumbing, Heating, Cooling Contractors Association; American Institute of Architects, Kansas; Kansas Society of Professional Engineers; MO-KAN Chapter of the Society of Fire Protection Engineers; Kansas Board of Regents/Technical/Jr. Colleges; Office of Facility Management; Fire Education Association of Kansas; Fire Marshal Association of Kansas; State Fire Chiefs; League of Municipalities; Association of Counties; Kansas State Fire Fighters Association; Leading Age Kansas; KHCA; KAC; InterHab, Inc.; Kansas State Department of Education; Wichita City Codes Department and Overland Park Codes Department.



F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

| Facility Type | 2017 | 2018 | 2019 | 3-year Average of New Projects | Coefficient | Adjusted Annual Average | Variables | Cost per Building | Total Annual Average Cost |
|---|------|------|------|--------------------------------|-------------|-------------------------|-------------|-------------------|---------------------------|
| AL Large (i.e. care homes with 17 or more clients) | 11 | 12 | 8 | 10.33 | NA | NA | See Note 1 | NA | \$ - |
| AL Small (i.e. care homes with 16 or less clients) | 31 | 49 | 40 | 40 | NA | NA | See Note 2 | \$ 4,500.00 | \$ 180,000.00 |
| College Dorms | 6 | 4 | 4 | 4.66 | NA | NA | See Note 3 | NA | \$ - |
| College Classrooms | 22 | 25 | 30 | 25.66 | -95% | 1.28 | See Note 4 | \$ 225,000.00 | \$ 288,000.00 |
| Childcare (including home daycares) | 13 | 43 | 34 | 30 | NA | NA | See Note 5 | NA | \$ - |
| Business Occupancy (i.e. restaurants with 49 or less) | 0 | 4 | 6 | 3.33 | NA | NA | See Note 6 | NA | \$ - |
| Assembly Occupancy (i.e. restaurants with 50 or more) | 5 | 4 | 2 | 3.66 | -90% | 0.36 | See Note 7 | \$ 150,000.00 | \$ 54,000.00 |
| Jails/Detention | 3 | 0 | 3 | 2 | -80% | 0.4 | See Note 8 | \$ 20,000.00 | \$ 8,000.00 |
| Hotels/Motels | 2 | 5 | 2 | 3 | NA | NA | See Note 9 | NA | \$ - |
| K-12 Schools | 95 | 59 | 62 | 72 | -70% | 21.6 | See Note 10 | \$ 30,000.00 | \$ 648,000.00 |
| Total Estimated Statewide Annual Cost | | | | | | | | | \$1,178,000.00 |

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO



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

Each line given below will follow the specific facility listed in order on B and F.

Line 1 Assisted Living (17 or more Clients):

There is no significant economic code cost because these occupancies are already required to contain a fire alarm and sprinkler system

Line 2 Assisted Living (16 or less Clients):

The 2006 LSC does not require small board and care facilities, containing 8 or less residents, to contain a 1-hr rated corridor. The 2018 IBC does, even in a sprinklered building.

Line 3 College Dorms:

There is no significant economic code cost because these occupancies are already required to contain a fire alarm and sprinkler system. Additionally, all Regents Universities are already under the 2018 Codes as they are under the jurisdiction of Office of Facility Management.

Line 4 College Classrooms:

College classrooms are not required by current codes to be sprinklered. The 2018 IBC requires sprinklers if the building exceeds 55 ft in height. The majority of new classroom buildings, approximately 90%, voluntarily install sprinkler systems to achieve advantages found elsewhere in the code. Additionally, all Regents Universities are already under the 2018 Codes as they are under the jurisdiction of OFPM. It would be very rare that any non-Regent college would construct a building of this height, especially those in rural areas that are not under the jurisdiction of a city or county with newer code sets already adopted. As a result, the coefficient for this calculation is (-95%). This calculation is based on a 75,000 sq. ft average sized classroom building.

Line five Child Care Centers (including home daycare):

There is no significant economic impact because the 2006 and 2018 IBC do not require a sprinkler system, but a fire alarm system is required by both codes.

Line 6 Business Occupancy (restaurants with 49 or less):

There is no significant economic cost impact as most of these occupancies will not be required to be sprinklered or contain a fire alarm system

Line 7 Assembly Occupancy (restaurants with 50 or more):

The 2018 IBC requires a sprinkler to be installed if over 100 people are above or below the area of exit discharge. As the current code requires A-3 assemblies to have a sprinkler system if any area exceeds 100 people, and A-3 is the most common assembly that we are involved with, the coefficient of (-90%) is being utilized to determine the adjusted costs. This calculation is based on a 50,000 sq. ft. average sized assembly building. However, due to the low number of new assembly buildings that have been constructed over the last 3 years, this is not a major economic factor.

Line 8 Jails and Detentions:

Jails were not required to have a smoke barrier in the 2006 IBC. Jails that contain 50 or more inmates, will be required by the 2018 IBC to incorporate a smoke barrier. As the jails that are built in our state are most commonly city/county facilities with an occupant load of less than 50, the coefficient utilized is (-80%). Additionally, all state prisons are already under the 2018 Codes as they are under the jurisdiction of OFPM.

Line 9 Hotel/Motel:

There is no significant economic impact as the 2006 and 2018 codes both require these occupancies to contain a fire alarm and sprinkler system.

Line 10 K-12 Schools:

Sprinklers are required by the current codes when a building exceeds 20,000 square feet. The 2018 IBC requires sprinklers at 12,000 square feet. The majority of new schools, approximately 70%, voluntarily install sprinkler systems for advantages found elsewhere in code. As a result, the coefficient for this calculation is (-70%). Calculations are based on a 12,000 square foot average sized building.



Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period 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.

YES NO

Our Agency worked with an Advisory Board consisting of the following groups: American Fire Sprinkler Association; Automatic Fire Alarm Association; Kansas Plumbing, Heating, Cooling Contractors Association; American Institute of Architects, Kansas; Kansas Society of Professional Engineers; MO-KAN Chapter of the Society of Fire Protection Engineers; Kansas Board of Regents/Technical/Jr. Colleges; Office of Facility Management; Fire Education Association of Kansas; Fire Marshal Association of Kansas; State Fire Chiefs; League of Municipalities; Association of Counties; Kansas State Fire Fighters Association; Leading Age Kansas; KHCA; KAC; InterHab, Inc.; Kansas State Department of Education; Wichita City Codes Department and Overland Park Codes Department.

- 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.**

The proposed amended regulations will have no effect on cities, counties, or school districts within the state. However, when the notice of hearing for these regulations is published in the Kansas Register, standard agency procedure will be followed.

- 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).**

Our Agency worked with an Advisory Board consisting of the following groups: American Fire Sprinkler Association; Automatic Fire Alarm Association; Kansas Plumbing, Heating, Cooling Contractors Association; American Institute of Architects, Kansas; Kansas Society of Professional Engineers; MO-KAN Chapter of the Society of Fire Protection Engineers; Kansas Board of Regents/Technical/Jr. Colleges; Office of Facility Management; Fire Education Association of Kansas; Fire Marshal Association of Kansas; State Fire Chiefs; League of Municipalities; Association of Counties; Kansas State Fire Fighters Association; Leading Age Kansas; KHCA; KAC; InterHab, Inc.; Kansas State Department of Education; Wichita City Codes Department and Overland Park Codes Department.



- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

NA

