

COMMISSION ON STATE MANDATES

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June 28, 2007

Kate Dargan, State Fire Marshal
Office of the State Fire Marshal
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Sacramento, CA 94244-2460

And Interested Parties Included on the Mailing List

RE: Request for Additional Information for Parameters and Guidelines
Fire Safety Inspections of Care Facilities, 01-TC-16
Statutes of 1989, Chapter 993 (SB 1098)
City of San José, Claimant

Dear Chief Dargan:

As you may be aware, the Commission on State Mandates (Commission) is a quasi-judicial body whose primary responsibility is to hear and decide test claims that allege that the Legislature or a state agency imposed a reimbursable state mandated program upon local government. The City of San José filed a test claim with the Commission to seek reimbursement of its costs for implementing the provisions of legislation enacted in 1989, i.e., SB 1098 (Statutes of 1989, Chapter 993), regarding fire safety inspections of care facilities. The Commission heard this test claim on March 29, 2006 and decided that certain portions of the claim constitute a reimbursable state-mandated program.

In order to accurately reimburse local agencies for this program, the next stage in the process requires Commission staff to further analyze program procedures and recommend parameters and guidelines for the Commission to consider. I am writing to request information regarding the State Fire Marshal's implementation of Health and Safety Code (HSC) section 13144.5, as modified by SB 1098, which provides for training of local fire safety inspectors with regard to the subject care facilities.

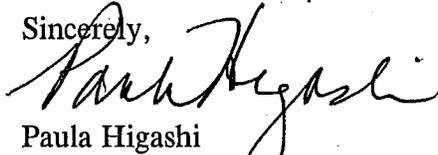
Specifically, the Commission requests the following additional information and documentation to complete the parameters and guidelines: 1) a copy of the State Fire Marshal's curriculum for training local fire safety inspectors pursuant to section 13144.5; and 2) a written statement as to the number of hours of that training reasonably necessary to cover care facilities licensed pursuant to HSC section 1508, residential care facilities for the elderly licensed pursuant to HSC section 1569.10, and child day care facilities licensed pursuant to HSC section 1596.80.

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Please note that, pursuant to Title 2, California Code of Regulations, section 1183.02, any documentary evidence provided must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge or information or belief.

I would appreciate your response as soon as possible, but no later than July 11, 2007. Thank you for your assistance. If you have questions, please contact Deborah Borzelleri, Senior Commission Counsel, at 322-4230.

Sincerely,



Paula Higashi
Executive Director

cc: Mailing List

Commission on State Mandates

Original List Date: 6/7/2002
Last Updated: 7/19/2006
List Print Date: 06/28/2007
Claim Number: 01-TC-16

Mailing Information: Other

Mailing List

Issue: Fire Safety Inspections of Care Facilities

TO ALL PARTIES AND INTERESTED PARTIES:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.2.)

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