EXHIBIT D

STATE OF CALIFORNIA
ARNOLD SCHWARZ...

COMMISSION ON STATE MANDATES
980 NINTH STREET, SUITE 300
SACRAMENTO, CA 95814
PHONE: (916) 323-3562
FAX: (916) 445-0278
E-mail: csminfo@csm.ca.gov

December 12, 2005

Ruben Grijalva, State Fire Marshal
Office of the State Fire Marshal
P. O. Box 944246
Sacramento, CA 94244-2460

RE: *Fire Safety Inspections of Care Facilities*, 01-TC-16
City of San José, Claimant
Statutes of 1989, Chapter 993 (SB 1098)

Dear Chief Grijalva:

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 mandate 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. Commission staff is in the process of preparing the draft staff analysis for this test claim.

In order to ensure an accurate analysis, I am writing to request information regarding the State Fire Marshal's implementation of Health and Safety Code (HSC) sections 13144.5 and 13235, as modified by SB 1098, which provide for training and preinspection of certain community care facilities.

Specifically, I would like to obtain a copy of the State Fire Marshal's fire safety regulations, and related training materials, that pertain to community 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.

Additionally, could you provide a brief explanation as to whether, under HSC section 13146(d), the "local fire enforcing agency" could request the State Fire Marshal to assume preinspection duties for these community care facilities, and if so, how that would be accomplished?

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.

Chief Ruben Grijalva, State Fire Marshal
December 12, 2005

I would appreciate your response as soon as possible, but no later than December 30, 2005. 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

Original List Date: 6/7/2002
Last Updated: 12/12/2005
List Print Date: 12/12/2005
Claim Number: 01-TC-16
Issue: Fire Safety Inspections of Care Facilities

Mailing Information: Other

Mailing List

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.)

Executive Director
California State Firefighters' Association
2701 K Street, Suite 201
Sacramento, CA 95816

Tel: (800) 451-2732
Fax: (916) 446-9889

Mr. David Wellhouse
David Wellhouse & Associates, Inc.
9175 Kiefer Blvd, Suite 121
Sacramento, CA 95826

Tel: (916) 368-9244
Fax: (916) 368-5723

Ms. Jesse McGuinn
Department of Finance (A-15)
915 L Street, 8th Floor
Sacramento, CA 95814

Tel: (916) 445-8913
Fax: (916) 327-0225

Ms. Harmeet Barkschat
Mandate Resource Services
5325 Elkhorn Blvd. #307
Sacramento, CA 95842

Tel: (916) 727-1350
Fax: (916) 727-1734

Mr. Gary Bystrom
San Jose Fire Department
4 N. 2nd St, Suite 1100
San Jose, CA 95113-1305

Claimant
Tel: (408) 277-4444
Fax: (408) 000-0000

Ms. Susan Geanacou
Department of Finance (A-15)
915 L Street, Suite 1190
Sacramento, CA 95814

Tel: (916) 445-3274
Fax: (916) 324-4888

Mr. Leonard Kaye, Esq. County of Los Angeles Auditor-Controller's Office 500 W. Temple Street, Room 603 Los Angeles, CA 90012	Tel: Fax	(213) 974-8564 (213) 617-8106
Mr. Allan Burdick MAXIMUS 4320 Auburn Blvd., Suite 2000 Sacramento, CA 95841	**Claimant Representative** Tel: Fax	 (916) 485-8102 (916) 485-0111
Ms. Ginny Brummels State Controller's Office (B-08) Division of Accounting & Reporting 3301 C Street, Suite 500 Sacramento, CA 95816	Tel: Fax	(916) 324-0256 (916) 323-6527
Ms. Bonnie Ter Keurst County of San Bernardino Office of the Auditor/Controller-Recorder 222 West Hospitality Lane San Bernardino, CA 92415-0018	Tel: Fax	(909) 386-8850 (909) 386-8830
Mr. Ruben Grijalva Office of the State Fire Marshal P. O. Box 944246 Sacramento, CA 94244-2460	Tel: Fax	
Mr. J. Bradley Burgess Public Resource Management Group 1380 Lead Hill Boulevard, Suite #106 Roseville, CA 95661	Tel: Fax	(916) 677-4233 (916) 677-2283
Ms. Annette Chinn Cost Recovery Systems, Inc. 705-2 East Bidwell Street, #294 Folsom, CA 95630	Tel: Fax	(916) 939-7901 (916) 939-7801