

**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



July 19, 2002

Ms. Pam Stone  
DMG-Maximus  
4320 Auburn Blvd., Suite 2000  
Sacramento, CA 95841

*And Affected State Agencies and Interested Parties (see enclosed mailing list)*

Re: *Fire Safety Inspections of Care Facilities, 01-TC-16*  
City of San Jose, Claimant  
Statutes of 1989, Chapter 993 (SB 1022)

Dear Ms. Stone:

This letter supercedes our letter sent on June 18, 2002.

Commission staff has reviewed the above-named test claim and determined that it is complete. A copy of the test claim is being provided to affected state agencies and interested parties because of their interest in the Commission's determination.

The key issues before the Commission are:

- Do the provisions listed above impose a new program or higher level of service within an existing program upon local entities within the meaning of section 6, article XIII B of the California Constitution and costs mandated by the state pursuant to section 17514 of the Government Code?
- Does Government Code section 17556 preclude the Commission from finding that any of the test claim provisions impose costs mandated by the state?

The Commission requests your participation in the following activities concerning this test claim:

- **Informal Conference.** An informal conference may be scheduled if requested by any party. See Title 2, California Code of Regulations, section 1183.04 (the regulations).
- **State Agency Review of Test Claim.** State agencies receiving this letter are requested to analyze the merits of the test claim and to file written comments on the key issues before the Commission. Alternatively, if a state agency chooses not to respond to this request, please submit a written statement of non-response to the Commission. Requests for extensions of time may be filed in accordance with sections 1183.01 (c) and 1181.1 (g) of the regulations. State agency comments are due 30 days from the date of this letter.

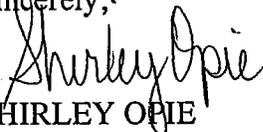
- **Claimant Rebuttal.** The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.02 of the regulations. The rebuttal is due 30 days from the service date of written comments.
- **Hearing and Staff Analysis.** A hearing on the test claim will be set when the draft staff analysis of the claim is being prepared. At least eight weeks before a hearing is conducted, the draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due at least five weeks prior to the hearing or on the date set by the Executive Director, pursuant to section 1183.07 of the Commission's regulations. Before the hearing, a final staff analysis will be issued.
- **Mailing Lists.** Under section 1181.2 of the Commission's regulations, the Commission will promulgate a mailing list of parties, interested parties, and interested persons for each test claim and provide the list to those included on the list, and to anyone who requests a copy. Any written material filed on that claim with the Commission shall be simultaneously served on the other parties listed on the mailing list provided by the Commission.
- **Dismissal of Test Claims.** Under section 1183.09 of the Commission's regulations, test claims may be dismissed if postponed or placed on inactive status by the claimant for more than one year. Prior to dismissing a test claim, the Commission will provide 150 days notice and opportunity for other parties to take over the claim.

If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. All interested parties and affected state agencies will be given an opportunity to comment on the claimant's proposal before consideration and adoption by the Commission.

Finally, the Commission is required to adopt a statewide cost estimate of the reimbursable state-mandated program within 12 months of receipt of an amended test claim. This deadline may be extended for up to six months upon the request of either the claimant or the Commission.

Please contact Nancy Patton at (916) 323-8217 if you have any questions.

Sincerely,



SHIRLEY OPIE

Assistant Executive Director

Enclosures: Copy of Test Claim

# Commission on State Mandates

Original List Date: 06/07/2002

Mailing Information Completeness Determination

Last Updated: 06/12/2002

List Print Date: 07/19/2002

## Mailing List

Claim Number: 01-TC-16

Issue: Fire Safety Inspections of Care Facilities

Ms. Harmeet Barkschat,  
Mandate Resource Services

5325 Elkhorn Blvd. #307.  
Sacramento CA 95842

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

Mr. Michael Havey, Bureau Chief (B-8)

State Controller's Office  
Division of Accounting & Reporting  
3301 C Street Suite 500  
Sacramento CA 95816

Tel: (916) 445-8757 Fax: (916) 323-4807 State Agency

Dr. Carol Berg,  
Education Mandated Cost Network

1121 L Street Suite 1060  
Sacramento CA 95814

Tel: (916) 446-7517 Fax: (916) 446-2011 Interested Person

Mr. Tom Lutzenberger, Principal Analyst (A-15)  
Department of Finance

915 L Street, 6th Floor  
Sacramento CA 95814

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

Gary Bystrom, Captain  
San Jose Fire Department

4 N. 2nd St, Suite 1100  
San Jose CA 95113-1305

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

Mr. Paul Minney,  
Spector, Middleton, Young & Minney, LLP

7 Park Center Drive  
Sacramento CA 95825

Tel: (916) 646-1400 Fax: (916) 646-1300 Interested Person

Chief of Fire Prevention,  
State Fire Marshal

CDF/State Fire Training P.O. Box 944246  
Sacramento CA 94244-2460

Tel: (916) 445-8200 Fax: (916) 000-0000 State Agency

Mr. Andy Nichols, Senior Manager  
Centration, Inc.

12150 Tributary Point Drive Suite 140  
Gold River CA 95670

Tel: (916) 351-1050 Fax: (916) 351-1020 Interested Person

Executive Director,  
California State Firefighters' Association

2701 K Street Suite 201  
Sacramento CA 95816

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

Mr. Keith B. Petersen, President  
SixTen & Associates

5252 Balboa Avenue Suite 807  
San Diego CA 92117

Tel: (858) 514-8605 Fax: (858) 514-8645 Interested Person

# Commission on State Mandates

**Original List Date:** 06/07/2002

**Mailing Information** Completeness Determination

**Last Updated:** 06/12/2002

**List Print Date:** 07/19/2002

## Mailing List

**Claim Number:** 01-TC-16

**Issue:** Fire Safety Inspections of Care Facilities

Ms. Sandy Reynolds, President  
Reynolds Consulting Group, Inc.

P.O. Box 987  
Sun City CA 92586

**Tel:** (909) 672-9964 **Fax:** (909) 672-9963 **Interested Person**

Mr. Steve Smith, CEO  
Mandated Cost Systems, Inc.

11130 Sun Center Drive Suite 100  
Rancho Cordova CA 95670

**Tel:** (916) 669-0888 **Fax:** (916) 669-0889 **Interested Person**

Mr. Jim Spano, (B-8)  
State Controller's Office  
Division of Audits  
300 Capitol Mall, Suite 518  
Sacramento CA 95814

**Tel:** (916) 323-5849 **Fax:** (916) 327-0832 **State Agency**

Ms. Pam Stone, Legal Counsel  
MAXIMUS

4320 Auburn Blvd. Suite 2000  
Sacramento CA 95841

**Tel:** (916) 485-8102 **Fax:** (916) 485-0111 **Claimant**

Mr. David Wellhouse,  
David Wellhouse & Associates, Inc.

9175 Kiefer Blvd Suite 121  
Sacramento CA 95826

**Tel:** (916) 368-9244 **Fax:** (916) 368-5723 **Interested Person**

# *Commission on State Mandates*

**Original List Date:** 06/07/2002      **Mailing Information**    **Completeness Determination**

**Last Updated:** 06/12/2002

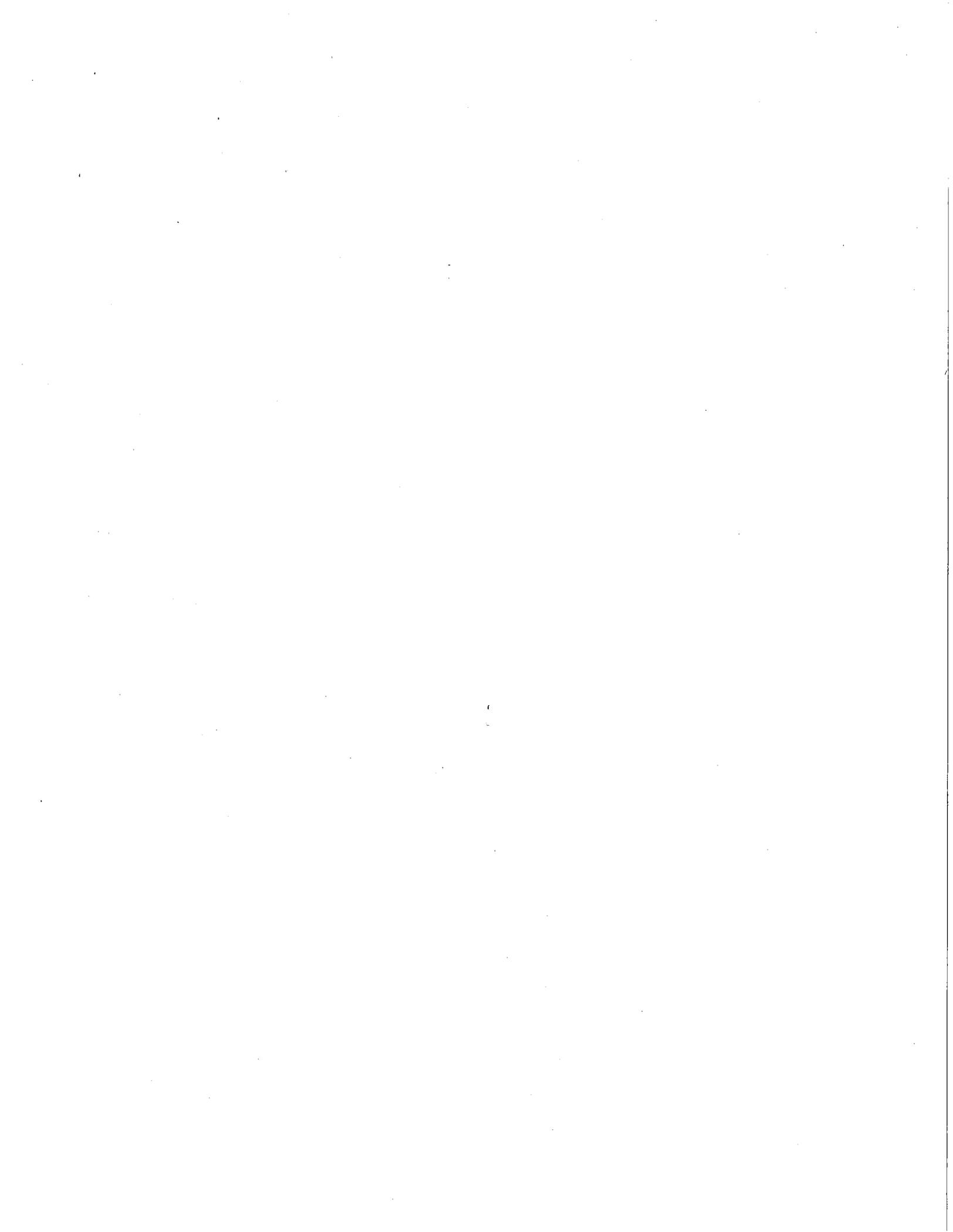
**List Print Date:** 07/19/2002

**Claim Number:** 01-TC-16

## **Mailing List**

**Issue:** Fire Safety Inspections of Care Facilities

**TO ALL PARTIES AND INTERESTED PARTIES** h 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.)



**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



June 13, 2002

Ms. Pam Stone  
DMG-Maximus  
4320 Auburn Blvd., Suite 2000  
Sacramento, CA 95841

*And Affected State Agencies and Interested Parties (see enclosed mailing list)*

Re: *Fire Safety Inspections of Care Facilities*, 01-TC-16  
County of San Jose, Claimant  
Statutes of 1989, Chapter 993 (SB 1022)

Dear Ms. Stone:

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Please contact Nancy Patton at (916) 323-8217 if you have any questions.

Sincerely,

  
SHIRLEY OPIE  
Assistant Executive Director

Enclosures: Copy of Test Claim

MAILED:  4/13/02  
DATE:   
INITIAL: VS  
FILE:   
WORKING BINDER:

# Commission on State Mandates

List Date: 06/07/2002

Mailing Information Completeness Determination

## Mailing List

Claim Number 01-TC-16

Claimant City of San Jose

Subject Statutes of 1989, Chapter 993 (SB 1022)

### Code Sections

Issue Fire Safety Inspections of Care Facilities

Ms. Harmeet Barkschat,  
Mandate Resource Services

5325 Elkhorn Blvd. #307  
Sacramento CA 95842

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

Executive Director,  
California State Firefighters' Association

2701 K Street Suite 201  
Sacramento CA 95816

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Dr. Carol Berg,  
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1121 L Street Suite 1060  
Sacramento CA 95814

Tel: (916) 446-7517 Fax: (916) 446-2011 Interested Person

Mr. Glenn Haas, Bureau Chief (B-8)

State Controller's Office  
Division of Accounting & Reporting  
3301 C Street Suite 500  
Sacramento CA 95816

Tel: (916) 445-8757 Fax: (916) 323-4807 State Agency

Gary Bystrom, Captain  
San Jose Fire Department

4 N. 2nd St, Suite 1100  
San Jose CA 95113-1305

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Mr. Tom Lutzenberger, Principal Analyst (A-15)  
Department of Finance

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

Chief of Fire Prevention,  
State Fire Marshal

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7 Park Center Drive  
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