

COMMISSION ON STATE MANDATES

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SACRAMENTO, CA 95814
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July 10, 2001

Mr. John Logger
SB-90 Coordinator
County of San Bernardino
222 West Hospitality Lane, 4th Floor
San Bernardino, CA 92415-0018

And Interested Parties and Affected State Agencies (See Enclosed Mailing List)

Re: *Mentally Disordered Offenders: Treatment as a Condition of Parole* - 00-TC-28
County of San Bernardino, Claimant
Statutes of 1994, Chapter 706
Statutes of 1989, Chapter 228
Statutes of 1988, Chapter 658
Statutes of 1987, Chapter 687
Statutes of 1986; Chapter 858
Penal Code Section 2966

Dear Mr. Logger:

The Commission on State Mandates determined that the subject test claim submittal is complete. The test claim initiates the process for the Commission to consider whether the provisions listed above impose a reimbursable state-mandated program upon local entities. State agencies and interested parties are receiving a copy of this test claim because they may have an 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?

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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 interested 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 enclosed 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 record closes. Pursuant to section 1183.07 of the Commission's regulations, at least eight weeks before the hearing is conducted, a draft staff analysis will be issued to parties, interested parties, and interested persons for comment. Comments are due 30 days following receipt of the analysis. Following receipt of any comments, and 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 claim.
- **Dismissal of Test Claims.** Under section 1183.09 of the Commission's regulations, test claims filed after May 5, 2001, 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.

MAILED: 7/10/01
INITIAL: VS
FILE: 7/10/01
CHRON: 7/10/01
WORKING BINDER: 7/10/01
FAXED: 7/10/01

Mr. John Logger

July 10, 2001

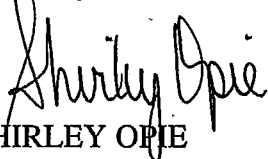
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If the Commission determines that a reimbursable state mandate exists, the claimant is responsible for submitting proposed parameters and guidelines for reimbursing all eligible local entities. All interested parties and affected state agencies will 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: Mailing List and Test Claim

Commission on State Mandates

List Date: 07/10/2001

Mailing Information

Mailing List

Claim Number 00-TC-28 **Claimant** County of San Bernardino

Subject Statutes of 1994, Chapter 706 et al; Penal Code Section 2966

Issue Mentally Disordered Offenders: Treatment as a Condition of Parole

Harmeet Barkschat,
Mandate Resource Services

8254 Heath Peak Place
Antelope CA 95843

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

Interested Person

Mr. Louie DiNinni, Executive Officer
Board of Prison Terms

1515 K Street, Suite 600
Sacramento CA 95814-4053

Tel: (916) 445-1539
FAX: (916) 445-5242

State Agency

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) 445-8756
FAX: (916) 323-4807

State Agency

Mr. Steve Keil,
California State Association of Counties

1100 K Street Suite 101
Sacramento CA 95814-3941

Tel: (916) 327-7523
FAX: (916) 441-5507

Interested Person

Mr. John Logger, SB-90 Coordinator
Auditor-Controller's Office

222 West Hospitality Lane
San Bernardino CA 92415-0018

Tel: (909) 386-8850
FAX: (909) 386-8830

Claimant

Claim Number

00-TC-28

Claimant

County of San Bernardino

Subject

Statutes of 1994, Chapter 706 et al; Penal Code Section 2966

Issue

Mentally Disordered Offenders: Treatment as a Condition of Parole

Mr. James Lombard, Principal Analyst (A-15)
Department of Finance

915 L Street
Sacramento CA 95814

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

State Agency

Mr. Stephen Mayberg, Director
Department of Mental Health

1600 9th Street
Sacramento CA 95814

Tel: (916) 654-3565
FAX: (916) 654-3198

State Agency

Mr. Manuel Medeiros, Asst. Attorney General (D-8)
Department of Justice

Government Law Section
1300 I Street 17th Floor
Sacramento CA 95814

Tel: (916) 324-5475
FAX: (916) 324-8835

State Agency

Mr. Ron Metz, Facility Captain - MDO Program
Department of Corrections

P O Box 942883
Sacramento CA 94283-0001

Tel: (916) 324-4771
FAX: (916) 000-0000

State Agency

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

Ms. Marianne O'Malley, Principal Fiscal & Policy Analyst (B-29)
Legislative Analysts' Office

925 L Street Suite 1000
Sacramento CA 95814

Tel: (916) 445-6442
FAX: (916) 324-4281

Interested Person

Claim Number

00-TC-28

Claimant

County of San Bernardino

Subject

Statutes of 1994, Chapter 706 et al; Penal Code Section 2966

Issue

Mentally Disordered Offenders: Treatment as a Condition of Parole

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

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

2275 Watt Avenue Suite C
Sacramento CA 95825

Tel: (916) 487-4435

FAX: (916) 487-9662

Interested Person

Jim Spano,
State Controller's Office

Division of Audits (B-8)

300 Capitol Mall, Suite 518 P.O. Box 942850
Sacramento CA 95814

Tel: (916) 323-5849

FAX: (916) 324-7223

State Agency

Ms. Pam Stone, Legal Counsel
DMG-MAXIMUS

4320 Auburn Blvd. Suite 2000
Sacramento CA 95841

Tel: (916) 485-8102

FAX: (916) 485-0111

Interested Person

Mr. David Wellhouse,
Wellhouse & Associates

9175 Kiefer Blvd Suite 121
Sacramento CA 95826

Tel: (916) 368-9244

FAX: (916) 368-5723

Interested Person

Mr. Gary Winsom, President
California Public Defenders Association

3273 Ramos Circle, Suite 100
Sacramento CA 95827

Tel: (916) 362-1686

FAX: (916) 362-5498

Interested Person