

**COMMISSION ON STATE MANDATES**

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May 12, 2006

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Ms. Catherine Van Aken  
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P.O. Box 944255  
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And: Interested Parties  
(see enclosed mailing list)

Re: Notice of Complete Test Claim Amendment Filing and Schedule for Comments –  
*Mentally Disordered Offenders: Treatment as a Condition of Parole, 05-TC-06*  
(Amendment to 00-TC-28)

On March 2, 2006, a test claim amendment was filed on the above named program by the County of San Bernardino, Claimant. Following initial review, the Commission staff found the test claim amendment to be complete. The Commission is now requesting state agencies and interested parties to comment on the test claim amendment as specified in the enclosed notice.

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

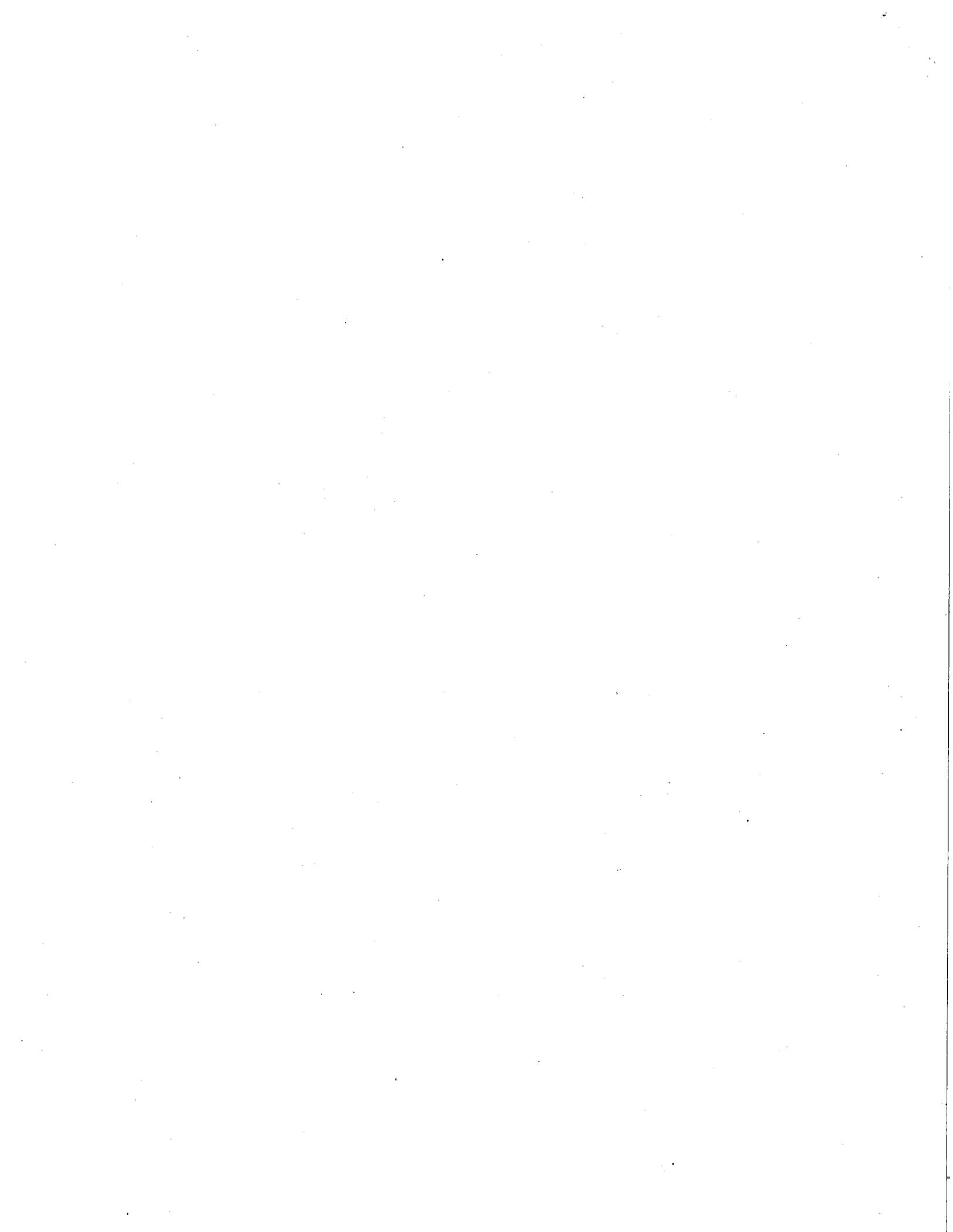
Sincerely,

A handwritten signature in black ink that reads "Paula Higashi".

PAULA HIGASHI  
Executive Director

Enclosures:

Notice of Complete Test Claim Amendment Filing and Schedule for Comments  
Copy of Test Claim Amendment(state agencies only)  
Mailing List



BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

IN RE TEST CLAIM AMENDMENT ON

Penal Code Sections 2962 and 2966, Statutes 1986, Chapter 858; Statutes 1987, Chapter 687; Statutes 1988, Chapter 658; Statutes 1989, Chapter 228; Statutes 1994, Chapter 706; Filed on July 5, 2001;

Amended by adding Statutes 1985, Chapter 1419,

Filed on March 2, 2006,

By the County of San Bernardino, Claimant

No. 05-TC-06 (Amendment to 00-TC-28)

*Mentally Disordered Offenders: Treatment as a Condition of Parole*

NOTICE OF COMPLETE TEST CLAIM AMENDMENT FILING AND SCHEDULE FOR COMMENTS (Gov. Code § 17500 et seq.; Cal. Code Regs., Tit. 2, §§ 1183, subd.(g) & 1183.02)

**TO: County of San Bernardino  
Department of Finance  
State Controller's Office  
Department of Mental Health  
Legislative Analyst's Office  
Office of the Attorney General  
Interested Parties**

On March 2, 2006, the County of San Bernardino, Claimant, filed a test claim amendment on the above-described statutes and/or executive orders alleging a reimbursable state-mandated program pursuant to article XIII B, section 6 of the California Constitution and Government Code section 17514. The test claim amendment is complete. The test claim amendment will be heard and determined by the Commission on State Mandates pursuant to article XIII B, section 6, Government Code section 17500 et seq., and case law. The procedures for hearing and determining this claim are prescribed in the Commission's regulations, California Code of Regulations, title 2, chapter 2.5, section 1181, et seq.

## COMMENT PERIOD

The key issues before the Commission are:

- Does the Commission have jurisdiction to consider the amendment to the test claim adding Statutes 1985, chapter 1419, in light of Government Code section 17557, subdivision (e)?
- 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 amendment provisions impose costs mandated by the state?
- Have funds been appropriated for this program (e.g., state budget) or are there any other sources of funding available? If so, what is the source?

State Agency Review of Test Claim Amendment - State agencies are requested to analyze the test claim amendment merits and to file written comments within 30 days, or no later than **June 12, 2006**. *State agencies need only comment on the new sections amended into the test claim: Statutes 1985, Chapter 141 and Penal Code section 2962.* Requests for extensions of time may be filed in accordance with sections 1183.01, subdivision (c), and 1181.1, subdivision (g), of the regulations.

Claimant Rebuttal - The claimant and interested parties may file rebuttals to state agencies' comments under section 1183.03 of the regulations. The rebuttal is due 30 days from the actual service date of written comments from any state agencies.

Mailing Lists - Under section 1181.2 of the 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 with the Commission on this claim shall be simultaneously served on the other parties listed on the mailing list provided by the Commission.

Consolidating Test Claims - Pursuant to Commission regulations, the executive director may consolidate part or all of any test claim with another test claim. See sections 1183.05 and 1183.06 of the regulations.

## INFORMAL/PREHEARING CONFERENCE

An informal conference or prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the regulations.

## HEARING AND STAFF ANALYSIS

A tentative hearing date for 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 regulations. Before the hearing, a final staff analysis will be issued.

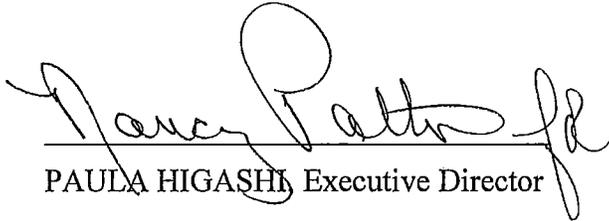
Dismissal of Test Claims - Under section 1183.09 of the regulations, test claims, and amendments thereto, may be dismissed when postponed or placed on inactive status by the claimant for more than one year. Before dismissing a test claim, the Commission will provide 60 days notice and opportunity for other parties to take over the claim.

Parameters and Guidelines - 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. See section 1183.1 of the regulations. 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.

Reasonable Reimbursement Methodology - Government Code section 17557 requires the Commission, when adopting parameters and guidelines, to consult with claimants, Department of Finance, the State Controller, and the Legislature to consider a reasonable reimbursement methodology that balances accuracy with simplicity. Government Code section 17518.5 authorizes the claimant or any affected state agency or interested party to propose a reasonable reimbursement methodology.

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

Dated: May 12, 2006

  
PAULA HIGASHI, Executive Director

## Commission on State Mandates

Original List Date: 7/10/2001  
Last Updated: 5/12/2006  
List Print Date: 05/12/2006  
Claim Number: 00-TC-28  
Issue: Mentally Disordered Offenders: Treatment as a Condition of Parole

Mailing Information: Completeness Determination

### 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.)

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