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June 1, 2009

Honorable Commissioners
Mental Health Services Oversight & Accountability Commission
1300 17th Street, Suite 1000
Sacramento, CA 95811

RE: Mental Health Services Act Provisions in ABXXX 5 (Evans, 2009)

Dear Commissioners:

In February, the Legislature passed a budget compromise package to close an unprecedented \$42 billion General Fund deficit. The state faces another General Fund deficit of more than \$21 billion and the Legislature may need to make many more difficult decisions to balance the state's budget. However, it remains incumbent upon all of us to ensure full implementation of and compliance with the statutory changes to the Mental Health Services Act (MHSA, passed by voters as Proposition 63 in 2004) enacted in Assembly Bill XXX 5 (Evans, 2009) as part of the February budget compromise package.

As the co-author and co-proponent of the MHSA, and a former Chair of the Mental Health Services Oversight & Accountability Commission, I supported the provisions of AB XXX 5 that clarified aspects of the MHSA in order to improve the oversight and efficiency of the disbursement of MHSA funds. In my view, the single most significant of these provisions was the amendment to the MHSA that,

"The commission shall administer its operations separate and apart from the State Department of Mental Health." (Section 5845(d)(2) of the Welfare & Institutions Code)

It was my intention, in negotiating this language with the other legislative leaders and the Administration, that this statute would ensure that the commission had the fiscal and policy autonomy necessary to independently oversee implementation of the MHSA. In order to provide robust oversight, consistent with the original intent of the MHSA, I

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thought it was necessary that the commission operated autonomously from the Department of Mental Health.

This amendment reaffirms the existing fiscal autonomy that the commission already has through its separate budget line item under the Health & Human Services Agency budget. As you know, it has been within the commission's discretion to request State Administrative funds out of the Mental Health Services Fund from the Legislature that are subject to the annual budget act. This language underscores that budgetary autonomy from the Department of Mental Health.

I do not believe that fiscal autonomy necessarily translates to increased fiscal costs for the commission or the state. In fact, the commission may be able to more efficiently its streamline administrative functions in implementing this statute.

Moreover, this statute reaffirms the autonomy of the commission in its day-to-day operations. For example, separation from the Department of Mental Health in the commission's reimbursements and paychecks, website hosting, and email network may be necessary next steps to implementing this statute. The commission may wish to look to other examples within the state of autonomous oversight bodies, such as the State Council on Developmental Disabilities, which operates separately from the State Department of Developmental Services (see Section 4530 of the Welfare and Institutions Code).

Thank you for the opportunity to provide some insight into my perspective on this enacted legislation. I appreciated that your Executive Director, Sheri Whitt, and counsel, Filomena Yeroshek, reached out to my office to understand my intent after passage of AB XXX 5 (Evans). If you or they have any further questions, please do not hesitate to contact Kiyomi Burchill of my staff at (916) 651-4006 or kiyomi.burchill@sen.ca.gov.

Sincerely,



DARRELL STEINBERG
Senate President pro Tempore

Cc: Dr. Steve Mayberg, Director, Department of Mental Health
Pat Ryan, Executive Director, California Mental Health Directors Association

DS:kb