



## **Sacramento – Pursuits of County Advocacy Position on State Legislation Related to Animal Shelters, DNA Crime Labs, Local Agency Formation Commissions, and Workers' Compensation**

This report contains pursuits of County advocacy position on the following State legislation:

### **Animals: Spaying, Neutering, and Euthanasia**

#### **Background**

- [AB 2265 \(McCarty\)](#), as amended on March 18, 2024, would state that it is the policy of the State that no animal should be euthanized if it can be adopted into a suitable home or released to a qualified nonprofit animal rescue or adoption organization, and that no animal be euthanized by a public animal control agency or shelter, except for:
  - An animal irretrievably suffering from a serious illness or severe injury;
  - A dog that is determined to be a vicious dog; or
  - Newborn animals that need maternal care and have been impounded without their mothers.
- A public animal control agency or shelter would be required to post a daily list of any cat or dog scheduled for euthanasia, between 24 and 72 hours before a scheduled euthanasia, on its website or public Facebook page, and to post a physical notice on the kennel of a dog or cat scheduled to be euthanized.
- The bill would require a public animal control agency or shelter that seeks to adopt a policy, practice, or protocol that raises the potential for conflict with any aspect of Hayden's Law to first give notice to the city or county that funds the agency, which would then be required, within 60 days, to schedule a public hearing. Hayden's Law, ([SB 1785, Chapter 752, Statutes of 1998](#)) outlines certain duties of shelters for stray animals.
- The bill would increase the temporary deposit required when a veterinarian certifies that a dog or cat is too sick or injured to be spayed or neutered from not more than \$75 to \$200.
- Violations of the provisions of AB 2265 would be a misdemeanor.
- The bill would provide that for certain mandates, no reimbursement is required by this bill because a local agency has the authority to levy service charges, fees or assessments sufficient to pay for the program mandated by this bill.

### **County Impact**

- The Department of Animal Care and Control (DACC) states that AB 2265 would have devastating consequences for the department, including: significant cost increases; potential exposure of the County, DACC, its Director and/or staff to criminal liability; and impact on DACC's ability to provide adequate medical treatment to animals in its care, house adoptable animals, enforce animal-fighting laws, prevent the release of dangerous animals into the community, and avoid the prolonged suffering of animals and wildlife.
- DACC indicates that it networks with hundreds of rescue partners to avoid the unnecessary euthanasia of adoptable and treatable animals. However, this bill would criminalize almost all euthanasia (with limited exceptions) and separately require that every dog and cat that is to be euthanized, even for unremitting pain, be posted on the department's website for 24 to 72 hours and held for that additional time, which is in addition to currently mandated holding times. This could result in additional boarding and care costs of more than \$1 million per year.
- DACC states that the requirement for a notice and public hearing for any potential conflict with Hayden's Law is confusing, ambiguous, and raises serious questions about who makes the determination of a potential conflict.

### **Support and Opposition**

- AB 2265 is sponsored by Fix Front Street.
- AB 2265 is opposed by California State Association of Counties, Urban Counties of California, California Animal Welfare Association, League of California Cities, County Health Executives Association of California, and numerous animal groups and shelters, including spcaLA, San Gabriel Valley Humane Society, Pasadena Humane and Rottweiler Rescue of Los Angeles.

### **Status**

- AB 2265 is scheduled to be heard in the Assembly Business and Professions Committee on April 16, 2024.

### **Recommendation**

- This Office and DACC recommend opposing AB 2265 as it would result in significant costs to the County and negatively impact the ability to provide adequate medical treatment to animals in its care, enforce animal-fighting laws, prevent the release of dangerous animals into the community, and house adoptable animals.
- Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose proposals that create unfunded mandates for the County or its special districts, **the Sacramento Advocates will oppose AB 2265.**

### **DNA Crime Lab Funding**

#### **Background**

- [AB 3042 \(Nguyen\)](#), as amended on March 4, 2024, would remove the sunset date on the DNA Fingerprint, Unsolved Crime and Innocence Protection Act (Proposition 69 of 2004), which mandates that an additional \$1 penalty for every

\$10 fine for all criminal offenses within each county are collected and placed into a DNA Identification Fund (Fund).

- The Fund covers costs associated with the processing, analysis, tracking, and storage of DNA crime scene samples.
- The provisions of Proposition 69 include a sunset date of 2024 or longer as necessary to make payments on any lease or leaseback arrangement utilized to finance projects specified under Proposition 69.

### **County Impact**

- AB 3042 would preserve and maintain funding indefinitely for Sheriff's Department staff who perform and support DNA testing which assists criminal investigations, prosecutions, and exonerations of the wrongfully convicted.
- According to the Los Angeles County Sheriff's Department, funding from Proposition 69 provides \$2.33 million in funding for nine total positions including two Supervising Criminalists, six Senior Criminalists, and one Operations Assistant. The loss of funding would negatively impact 18 percent of the staff who perform or support DNA testing.
- Within the Sheriff's Department, these nine positions are assigned exclusively to the laboratory's Biology Section, which processes DNA evidence in cases involving murder, sexual assault, and other violent crimes.

### **Support and Opposition**

- AB 3042 is sponsored by the California Department of Justice and supported by: California Association of Crime Laboratory Directors; California State Sheriff's Association; and Los Angeles County Professional Peace Officers Association.
- There is no opposition on file at this time.

### **Status**

- AB 3042 passed the Assembly Public Safety Committee on April 2, 2024, and is now pending in the Assembly Appropriations Committee.

### **Recommendation**

- This Office and the Sheriff's Department recommend supporting AB 3042 because it would maintain funding for critical DNA forensics positions.
- Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals that Provide additional funding for programs where service needs have outpaced revenues, **the Sacramento Advocates will support AB 3042.**

## **Local Agency Formation Commissions: Indemnification**

### **Background**

- [SB 1209 \(Cortese\)](#), as introduced on February 15, 2024, would authorize a local agency formation commission (LAFCO) to require an applicant to indemnify the LAFCO, its agents, officers, and employees from and against any claim,

action, or proceeding, that may stem from an action or determination by the LAFCO.

- Under current law, LAFCOs review and approve or disapprove proposals for changes of organization or reorganizations.
- Each county in the State has a LAFCO, governed by a board of commissioners, that is funded by the local agencies whose governing body members are eligible to be LAFCO commissioners and through fees the LAFCO charges applicants to cover the cost of processing and reviewing applications.

### **County Impact**

- LA LAFCO reports that SB 1209 would grant LAFCOs an equivalent indemnification authority to what the State Constitution allows cities and counties to require as an exercise of their constitutional authority to regulate health, safety, and welfare of their residents.
- Without indemnifications, should a lawsuit be filed against LA LAFCO, funding from the annual assessments paid by the County and the 88 cities and the 53 special districts in the County would be used to defend the lawsuit.
- LA LAFCO notes that in a lawsuit filed over an action or determination by a LAFCO, the applicant and not a LAFCO should finance the cost of that litigation since the applicant stands to benefit from a robust defense.

### **Support and Opposition**

- SB 1209 is sponsored by the California Association of Local Agency Formation Commissions, and is supported by the LAFCOs of Butte, Los Angeles, Mendocino, Nevada, Orange, Sonoma, and Tulare counties.
- There is no opposition to SB 1209 on file.

### **Status**

- SB 1209 is pending consideration on the Senate Floor.

### **Recommendation**

- This Office recommends supporting SB 1209 because it will prevent costs to defend litigation from being shifted to the taxpayers of the county, cities, and special districts funding a LAFCO.
- Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals that do not increase the fiscal liability of the County in annexations, incorporations, disincorporation, detachments, dissolutions, mergers, consolidations, and establishment of subsidiary districts, **the Sacramento Advocates will support SB 1209.**

## **Workers' Compensation: Aggregate Disability Payments**

### **Background**

- When an employee incurs a workers' compensation (WC) injury, the utilization review (UR) process is used by employers or claims administrators (CAs) to have a doctor review a medical treatment plan (MTP) to determine if the proposed

treatment is medically necessary after consulting a schedule of uniform treatment guidelines.

- A UR reviewer concluding that a recommended MTP is not medically necessary may modify or deny the MTP. If the MTP request is modified or denied, the independent medical review (IMR) process can be initiated by the injured worker or their physician or attorney within 30 days to appeal the UR denial. Once the IMR is initiated, the CAs have 14 days to provide records to the IMR provider, who then has 30 days to submit a decision.
- Under current law, for purposes of WC, temporary disability (TD) payments are provided. The amount is two-thirds of the weekly loss of wages during the disability, for up to two years (104 weeks).
- [SB 1346 \(Durazo\)](#), as introduced on February 16, 2024, would authorize, on or after January 1, 2025, the California Workers Compensation Appeals Board (WCAB) to award TD benefits if a denial of treatment requested by a treating physician is subsequently overturned by an IMR.
- SB 1346 would prohibit the TD awarded by the WCAB from exceeding the time from the date of the treatment denial through the date of the IRM determination overturning the treatment denial.
- The County opposed, and Governor Newsom vetoed, a similar bill, AB 1213 (L. Rivas), in 2023.

### **County Impact**

- The Chief Executive Office – Risk Management Branch (CEO-RMB) states that this bill would:
  - Weaken the WC reforms enacted in 2003 ([AB 227](#) and [SB 228](#)) related to the adoption of evidence-based medicine guidelines and the application of those guidelines through a mandatory UR process, as well as the WC reforms enacted in 2012 ([SB 863](#)) related to the IMR process and TD benefits; and
  - Require significant system upgrades and interfaces to monitor treatment requests, UR denials, IMR overturn decisions, and TD payments, with a projected cost of \$500,000 to \$1 million annually.
- CEO-RMB also states that a June 2023 [report](#) by the California Workers' Compensation Institute's (CWCI) on the potential impact of vetoed-AB 1213, estimated that 31.7 percent or 57,766 of California WC claims had TD payments, 11.7 percent of WC claims with TD payments (6,759 claims) had at least one IMR decision, and only 3.2 percent (1,817 claims) with a UR denial of treatment were overturned.
- Furthermore, according to the CWCI analysis only 0.9 percent or 511 of TD claims, or under 0.3 percent of all WC claims (536 of 178,956 medical-only and indemnity claims), would have been potentially impacted by AB 1213. The same would hold true for SB 1346.

### **Support and Opposition**

- SB 1346 is supported by the California Applicants' Attorneys Association.
- SB 1346 is opposed by: California State Association of Counties; Acclamation Insurance Management Services; Allied Managed Care; American Property Casualty Insurance; California Chamber of Commerce; California Coalition on Workers' Compensation; California Joint Powers Insurance Authority; California

League of Food Producers; California Restaurant Association; Coalition of Small and Disabled Veteran Businesses; Flasher/Barricade Association; Landscape Contractors Insurance Services, Inc.; League of California Cities; County of Monterey; Protected Insurance Program for Schools & Community Colleges Joint Powers Authority; Public Risk Innovation, Solution, and Management: PRISM; Schools Insurance Authority; and Self-Insured Schools of California.

### **Status**

- SB 1346 passed the Senate Labor, Public Employment and Retirement Committee on April 10, 2024, and now proceeds to the Senate Appropriations Committee.

### **Recommendation**

- This Office and CEO-RMB recommend opposing SB 1346 as it would require costly system upgrades to the County's workers' compensation system and would not address the root cause for the delays in TD payments, which is the overuse of the IMR process and not problems related to the utilization review process.
- Therefore, unless otherwise directed by the Board, consistent with existing policy to oppose legislation that erodes reforms accomplished by 2003-04 and 2011-12 WC reform legislation, **the Sacramento Advocates will oppose SB 1346.**



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