



May 8, 2024

The Honorable Buffy Wicks  
Chair, Assembly Appropriations Committee  
1021 O Street, Suite 8220  
Sacramento, CA 95814

**RE: Assembly Bill 2149 (Connolly) – Oppose Unless Amended  
As Amended April 17, 2024**

Dear Assembly Member Wicks:

On behalf of the Rural County Representatives of California (RCRC) and the California State Association of Counties (CSAC) we must regrettably oppose Assembly Bill 2149 (Connolly) unless amended. This measure creates a requirement for local agency to regulate and enforce safety provisions set forth in the bill on all gates over 50 pounds and 48 inches wide.

AB 2149 creates an entirely new regulatory and enforcement burden on local agencies at a scale that is unworkable. As currently drafted, the bill's definition of a regulated gate covers a wide universe of barriers that would likely create enforcement duties over thousands of gates in each jurisdiction. This would create the need to train existing and hire new staff to perform the enforcement duties required by this bill. With the wide universe of gates involved and the industry incentive to compel the installation of the hardware required by this bill, it is likely that local government staffing costs statewide could be range from the mid to high hundreds of thousands of dollars annually. Additionally, we are greatly concerned with the sponsors testimony in Assembly Judiciary indicating that local governments could recover their enforcement costs from the fines authorized by the bill. The legislature has made clear in several public safety statutes that county governments should not utilize administrative penalties and fees to fund their operations. We believe the legislature's guidance provided in the public safety area apply equally to this bill and note that this would create cost implications on any future mandate claims made pursuant to this bill.

After discussions with the author's office, it seems clear that a local government role is a key part of this effort. However, we don't believe all of our members have uniform agreement that local agency involvement in this regulatory space is the most effective way to address the risks identified by this bill. With that in mind and to reduce the fiscal

The Honorable Buffy Wicks  
Assembly Bill 2149 (Connolly)  
May 8, 2024  
Page 2

impacts, we suggest amending the bill to create a process where local jurisdiction regulatory and enforcement involvement only occurs when a county Board of Supervisors or City Council takes an affirmative step to enforce the provisions of this bill.

Additionally, we note that the current definition of regulated gate in the bill does not adequately focus attention on the type of gates that motivated the introduction of this bill. To further reduce the fiscal impacts of this measure, we suggest that the author's office should limit the bill to apply to gates on school grounds. This would ensure that counties have a clear understanding of the scope and risk of the gates they are considering to regulate.

For these reasons, RCRC and CSAC are regrettably opposed to AB 2149 unless amended to address our concerns. If you have any questions, please do not hesitate to contact Tracy Rhine (RCRC) [trhine@rcrcnet.org](mailto:trhine@rcrcnet.org) or Mark Neuburger (CSAC) [mneuburger@counties.org](mailto:mneuburger@counties.org).

Sincerely,



**Mark Neuburger**  
Legislative Advocate  
California State Association of Counties

**Tracy Rhine**  
Senior Policy Advocate  
Rural County Representatives of California

cc: The Honorable Damon Connolly, Member of the California State Assembly  
Members of the Assembly Appropriations Committee  
Jennifer Swenson, Consultant, Assembly Appropriations Committee  
Joe Shinstock, Consultant, Assembly Republican Caucus