



April 10, 2024

The Honorable Damon Connolly
Member, California State Assembly
1021 O Street, Suite 5240
Sacramento, CA 95814

**RE: Assembly Bill 2149 (Connolly) – Oppose Unless Amended
As Amended April 8, 2024**

Dear Assembly Member Connolly:

On behalf of the Rural County Representatives of California (RCRC) and the California State Association of Counties (CSAC), we must regrettably oppose your Assembly Bill 2149 unless amended. This measure creates a requirement for counties to be involved in the regulation and enforcement gates that meet the bill's very broad definition.

Counties are responsible for providing a wide array of critical services including, treating individuals living with mental illness, managing solid waste, ensuring accurate weights and measures as well as maintaining local roads and bridges. Counties are providing many of these services in extremely constrained fiscal environments. Additionally, the process for counties to obtain funding through the state's mandates process is lengthy and provides no guarantee of an adequate level of funding if successful. Moreover, the state has suspended mandate funding in past periods of strained budgets and is likely to do so to solve current budget challenges. It is in this environment that counties raise our concerns with AB 2149.

AB 2149 creates an entirely new regulatory and enforcement burden on counties at a scale that is unworkable. Although the latest amendments narrow the bill's definition of regulated gate, AB 2149 still includes a wide universe of gates that would likely create enforcement duties over thousands of gates in each county. After discussions with the author's office, it seems clear that a local government role is a key part of this effort. However, we do not believe all of our members have uniform agreement that county involvement in this regulatory space is the most effective way to address the risks identified by this bill. With that in mind, we suggest amending the bill to create a process where county regulatory and enforcement involvement only occurs when a county Board of Supervisors takes an affirmative step to enforce the county provisions of this bill.

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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. Therefore, we suggest that the author's office focus the bill on the types of gates that pose the greatest risk to the populations they are seeking to protect. 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 or Mark Neuburger (CSAC) 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 Ash Kalra, Chair, Assembly Judiciary Committee
Members of the Assembly Judiciary Committee
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Daryl Thomas, Consultant, Assembly Republican Caucus