



JUDICIAL COUNCIL OF CALIFORNIA

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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 17, 2017

Hon. Anna Caballero
Member of the Assembly
State Capitol, Room 5158
Sacramento, California 95814

Subject: AB 30 (Caballero), as amended April 3, 2017 – Oppose

Dear Assembly Member Caballero:

The Judicial Council regrets to inform you of its opposition to AB 30. This bill, among other things, prohibits a court in a judicial action or proceeding under the California Environmental Quality Act (CEQA) from enjoining a qualified strip mall conversion housing project, as defined, unless the court finds either of the following: (i) the continuation of the project presents an imminent threat to the public health and safety; or (ii) the project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continuation of the project unless the courts stays or enjoins the project.

In addition, AB 30 specifies that if the court finds that either of the above criteria is satisfied, the court shall only enjoin those specific activities associated with the project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values. It is important to note that the Judicial Council's concerns regarding AB 30 are limited solely to the court impacts of the legislation, and that the council is not expressing any views on CEQA generally or the underlying merits of the projects covered by the legislation, as those issues are outside the council's purview.

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The provisions in AB 30 that significantly limit the forms of relief that the court may use in a CEQA action challenging qualified strip mall conversion housing projects sets a dangerous precedent by interfering with the inherent authority of a judicial officer, which in turn raises a serious separation of powers question.

For these reasons, the Judicial Council regrettably opposes AB 30.

Sincerely,

Mailed on April 18, 2017

Daniel Pone

Attorney, Governmental Affairs

DP/jh

cc: Ms. Graciela Castillo-Krings, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Lawrence Lingbloom, Principal Consultant, Assembly Natural Resources Committee
Mr. John Kennedy, Consultant, Assembly Republican Caucus
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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May 1, 2017

Hon. Cristina Garcia, Chair
Natural Resources Committee
State Capitol, Room 2013
Sacramento, California 95814

Subject: AB 30 (Caballero), as amended April 3, 2017 – Oppose
Hearing: Assembly Natural Resources Committee – May 8, 2017

Dear Assembly Member Garcia:

The Judicial Council regrets to inform you of its opposition to AB 30. This bill, among other things, prohibits a court in a judicial action or proceeding under the California Environmental Quality Act (CEQA) from enjoining a qualified strip mall conversion housing project, as defined, unless the court finds either of the following: (i) the continuation of the project presents an imminent threat to the public health and safety; or (ii) the project site contains unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continuation of the project unless the courts stays or enjoins the project.

In addition, AB 30 specifies that if the court finds that either of the above criteria is satisfied, the court shall only enjoin those specific activities associated with the project that present an imminent threat to public health and safety or that materially, permanently, and adversely affect unforeseen important Native American artifacts or unforeseen important historical, archaeological, or ecological values. It is important to note that the Judicial Council's concerns regarding AB 30 are limited solely to the court impacts of the legislation, and that the council is

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not expressing any views on CEQA generally or the underlying merits of the projects covered by the legislation, as those issues are outside the council's purview.

The provisions in AB 30 that significantly limit the forms of relief that the court may use in a CEQA action challenging qualified strip mall conversion housing projects set a troubling precedent by interfering with the inherent authority of a judicial officer, which in turn raises a serious separation of powers question.

For these reasons, the Judicial Council regrettably opposes AB 30.

Sincerely,

Mailed May 1, 2017

Cory T. Jaspersen
Director, Governmental Affairs

cc: Members, Assembly Natural Resources Committee
Hon. Anna Caballero, Member of the Assembly
Mr. Lawrence Lingbloom, Chief Consultant, Natural Resources Committee
Mr. John Kennedy, Consultant, Assembly Republican Office of Policy
Mr. Daniel Seeman, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California