



JUDICIAL COUNCIL OF CALIFORNIA

GOVERNMENTAL AFFAIRS

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

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

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

April 15, 2019

Hon. Benjamin Allen
Chair, Senate Environmental Quality Committee
State Capitol, Room 4076
Sacramento, California 95814

Subject: SB 632 (Galgiani), as amended April 10, 2019—Oppose
Hearing: Senate Environmental Quality Committee—April 24, 2019

Dear Senator Allen:

The Judicial Council regrets to inform you of its opposition to SB 632. This bill would prohibit a court, in an action brought pursuant to the California Environmental Quality Act (CEQA), from enjoining or staying “a project that is consistent with a vegetation treatment program for which a program environmental impact report has been certified by the State Board of Forestry and Fire Protection[.]” (Proposed Public Resources Code sec. 21168.12.)

It is important to note that the Judicial Council’s concerns regarding SB 632 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.

The significant limits on the forms of relief that a court may use in a CEQA action challenging the projects covered by this bill sets a dangerous precedent by interfering with the inherent authority of a judicial officer, which in turn raises a serious separation of powers question.

Hon. Benjamin Allen

April 15, 2019

Page 2

For these reasons, the Judicial Council opposes SB 632. If you have any questions, please feel free to contact Daniel Pone at (916) 323-3121 or daniel.pone@jud.ca.gov.

Sincerely,

Mailed April 15, 2019

Cory T. Jaspersen

Director

Judicial Council Governmental Affairs

CJ/DP/jh

cc: Members, Senate Environmental Quality Committee

Hon. Cathleen Galgiani, Member of the Senate

Ms. Rachel Wagoner, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Genevieve Wong, Consultant, Senate Environmental Quality Committee

Mr. Morgan Branch, Policy Consultant, Senate Republican Office of Policy

Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Member of the Senate
State Capitol, Room 5097
Sacramento, California 95814

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Daniel Pone
Attorney

DP/jh

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Mr. Martin Hoshino, Administrative Director, Judicial Council of California