

AMENDED IN SENATE APRIL 4, 2013

SENATE BILL

No. 123

Introduced by Senator Corbett

January 18, 2013

An act to add Article 2 (commencing with Section 69540) to Chapter 5 of Title 8 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 123, as amended, Corbett. Environmental and ~~Land-Use Court.~~
land use court.

Existing law establishes a statewide system of courts with a superior court of one or more judges in each county. Existing law requires the presiding judge of each superior court to distribute the business of the court among the judges, and to prescribe the order of business, subject to the rules of the Judicial Council.

This bill would require ~~the presiding judge of each superior court to establish~~ *the Judicial Council to direct the creation of* an environmental and ~~land-use~~ *land use* division within ~~the court~~ *2 or more superior courts within each of the appellate districts of the state* to process civil proceedings brought pursuant to the California Environmental Quality Act or in specified subject areas, including air quality, biological resources, climate change, hazards and hazardous materials, land use planning, and water quality. The bill would require the Judicial Council, by rule of court, to identify statutes in those specified areas that would be within the jurisdiction of the environmental and ~~land-use~~ *land use* court division. The bill would require the Judicial Council, by rule of court, to establish appropriate standards and protocols for the environmental and ~~land-use~~ *land use* court division to accomplish the objectives of consistency, expediency, and expertise, including

educational requirements and other qualifications for specialized judges assigned to the division.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 2 (commencing with Section 69540) is
2 added to Chapter 5 of Title 8 of the Government Code, to read:

3
4 Article 2. Environmental and ~~Land-Use~~ *Land Use* Court
5

6 69540. (a) The Legislature finds and declares all of the
7 following:

8 (1) According to the World Resources Institute report entitled,
9 “Greening Justice: Creating and Improving Environmental Courts
10 and Tribunals” (2009), the number of courts and tribunals
11 specializing in environmental issues doubled during the past
12 decade, prompted by increasingly complex regulations and growing
13 concerns about natural resources.

14 (2) Environmental issues are often complex and fragmented,
15 and conflicting aspects of environmental management and
16 protection have made it difficult for governments, developers,
17 communities, and advocacy groups to achieve consistent and
18 long-range sustainable development. This has resulted in pressures
19 to streamline and rationalize the adjudication and enforcement
20 process and increase access to justice around the world.

21 (3) California’s environmental and ~~land-use~~ *land use* court cases
22 should be decided by specialized judges trained in environmental
23 and ~~land-use~~ *land use* law, and whose decisions would be
24 documented and published. ~~It is important that the judicial selection~~
25 ~~process be unbiased.~~

26 (4) *It is important to continue California’s commitment to*
27 *ensuring an unbiased judicial selection process.*

28 (4)
29 (5) The creation of an environmental and ~~land-use~~ *land use*
30 court can maximize both judicial competence and the speed of
31 decisionmaking, allowing litigants to have their cases heard and
32 an effective remedy delivered quickly. ~~The court should hear the~~
33 ~~case in the county in which the case arose.~~

1 (b) Accordingly, it is the intent of the Legislature to establish
2 an environmental and ~~land-use~~ *land use* division within each
3 superior court to expedite civil proceedings within the jurisdiction
4 of the division, with more consistent rulings and better outcomes
5 for all parties of interest.

6 ~~69542. (a) The presiding judge of each superior court shall~~
7 ~~establish an environmental and land-use division within the court~~
8 ~~to process all civil proceedings subject to this article. The Chief~~
9 ~~Justice of California may direct the consolidation of two or more~~
10 ~~superior courts in contiguous counties into a single environmental~~
11 ~~and land-use division, which may convene at the various court~~
12 ~~facilities within the participating counties as deemed appropriate,~~
13 ~~with consideration given to the convenience of access of the parties.~~

14 *69542. (a) The Judicial Council shall direct the creation of*
15 *an environmental and land use division within two or more*
16 *superior courts within each of the appellate districts of the state*
17 *to process all civil proceedings subject to this article.*

18 *(b) A civil proceeding subject to this article may be filed at a*
19 *superior court within the county in which the claim arises, but the*
20 *civil proceeding shall be transferred to the nearest superior court*
21 *within the same appellate district that has established an*
22 *environmental and land use division pursuant to this article.*

23 ~~(b)~~

24 (c) Both of the following shall be subject to this article:

25 (1) A civil proceeding brought pursuant to the California
26 Environmental Quality Act (Division 13 (commencing with Section
27 21000) of the Public Resources Code).

28 (2) A civil proceeding brought in any of the following subject
29 areas:

30 (A) Air quality.

31 (B) Biological resources.

32 (C) Climate change.

33 (D) Hazards and hazardous materials.

34 (E) Land use planning.

35 (F) Water quality.

36 ~~(e)~~

37 (d) The Judicial Council shall, by rule of court, identify those
38 statutes within the subject areas identified in paragraph (2) of
39 subdivision ~~(b)~~ (c) that are within the jurisdiction of the
40 environmental and ~~land-use~~ *land use* court division.

1 69544. The Judicial Council shall, by rule of court, establish
2 appropriate standards and protocols for the environmental and
3 ~~land-use~~ *land use* court division to accomplish the objectives of
4 consistency, expediency, and expertise identified in Section 69540,
5 including educational requirements and other qualifications for
6 specialized judges assigned to the division.

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