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Introduction

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Introduction

The *Pacific Law Journal* is proud to present our twenty-first Review of Selected California Legislation. We have attempted to analyze legislation most significant to the bench and bar that was signed into law during the 1990 legislative session. Your comments and suggestions concerning this publication are welcome.

In selecting the most significant of bills to review from the more than 7,000 bills introduced in the Legislature this session, the staff had an unusually difficult task. Several venerable Capitol observers have called the 1990 legislative session the least productive in the past decade, in terms of public policy development.

The public had asked for a response to various environmental, transportation, public health, crime and legislative ethics problems. The Legislature, due to both partisan divisiveness and the grip of special interest lobbying, responded with no significant legislation in some of these areas, and very little in others. While the legislation reviewed in these pages is indeed significant to the legal practitioner, an unfortunately small number of these bills make changes that will solve the many big questions the practitioner will face in his or her practice.

As future lawyers and as voters, many of us were frustrated this session. We watched as public interest groups were again forced to resort, in record numbers, to the initiative process to address issues the Legislature did not resolve. Industry, in opposing many of these initiatives, often did so not on the merits of the initiatives, but by qualifying competing initiatives designed perhaps more to confuse than to offer realistic alternatives.

Those voters who were not so disgusted that they chose not to vote at all rebelled. In November, the voters rebelled against the Legislature by enacting Proposition 140, a term limitation initiative that will be reviewed in the April issue of the *Pacific Law Journal*. The voters also resisted the appeals of the other initiative sponsors, whether out of frustration, confusion, anger, or probably a

combination of these, by rejecting every other major initiative on the November ballot. The voters seem to have sent a message this past election day: The Legislature's hands must be free so that it can solve California's problems.

Perhaps, heeding this message, the Legislature will begin to effectuate solutions within the Senate and Assembly chambers, instead of forcing the most difficult issues onto the ballot in the form of initiatives. However, with the draconian effect of Proposition 140 which, if it withstands judicial review, will halt pensions for legislators, cut legislative staff, and limit the terms of both legislators and statewide elected officials, there may not be any legislators or professional policy staff left with the expertise and experience to do the job. We can only wait and see. And we can be thankful that the voters also defeated Proposition 137, an initiative constitutional amendment that would have prohibited the Legislature from making necessary reforms to the initiative procedure.

This Review is the result of hours of hard work by many talented people. Each of our writers spent hundreds of hours researching, writing, and rewriting the reviews of numerous bills, many of which never passed or were vetoed. They have done a magnificent job, and I thank them for both their good humor and their cooperation.

Editors will always make a writer's work harder, but good editors, like those of the Legislative Review Department, also give a writer the opportunity to learn from being edited. I owe all of them, Lori Mello, Janet Meredith, Kim Schaefer, and Daryl Thomas, my thanks for making this both a learning experience for the writers, and for their excellence in editing. I offer my deepest thanks to Brett Morris, an editor who is neither reserved with his criticism nor with his praise for a job well done. He is a great motivator, and he helped make my job easier in many ways.

The entire Legislation Department owes a debt of gratitude to our advisors, Owen Kuns, Chief Deputy Legislative Counsel Retired, and Edward Purcell, Principal Deputy Legislative Counsel Retired, for reviewing our analyses and correcting substantive errors. In addition, we thank our faculty advisor, Professor Jerome

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Legislation Editor

