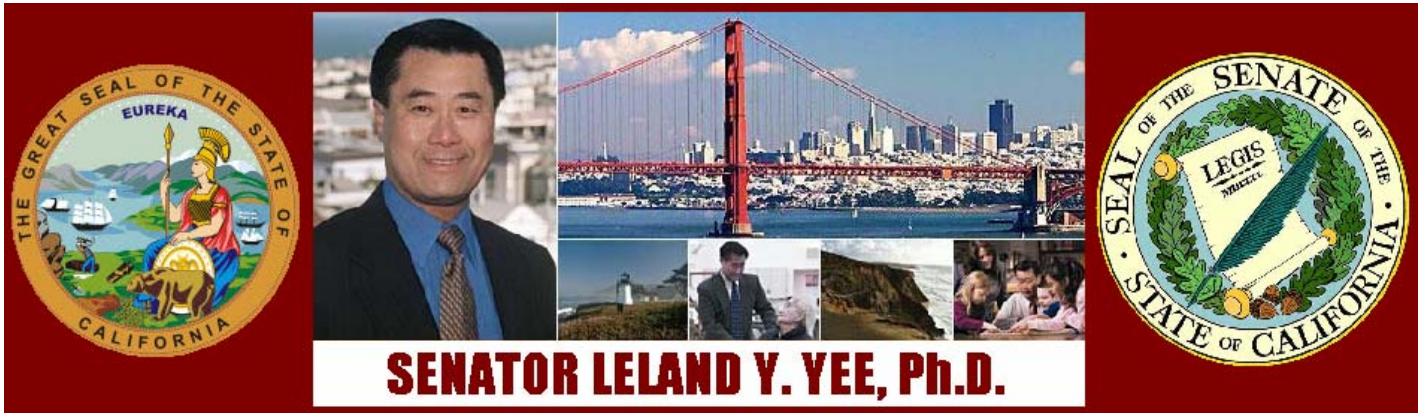


# THE SENATE DISTRICT 8 REPORT



Volume 7, Issue 5

PROUDLY REPRESENTING SAN FRANCISCO AND SAN MATEO COUNTIES

May 2009

## BILL INTRODUCED TO PREVENT EVICTIONS OF DOMESTIC VIOLENCE VICTIMS



**SAN FRANCISCO ORDINANCE SPURS STATEWIDE LEGISLATION**

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Senator Yee recently announced legislation to prevent landlords from unfairly evicting domestic violence victims. Senate Bill 782 is modeled after a San Francisco ordinance authored by Supervisor Carmen Chu and sponsored by District Attorney Kamala Harris, which passed in February.

“It is unconscionable to force a domestic violence victim from their home,” said Yee. “Evicting a survivor of domestic violence not

*See VICTIMS on page 2*

## EDUCATION COMMITTEE APPROVES BILL TO REIGN IN EXECUTIVE PAY AT UC, CSU



**SENATOR CONTINUES EFFORTS TO PROTECT TAXPAYERS, STUDENTS**

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On a 7-2 bipartisan vote, the Senate Committee on Education recently approved legislation to further reign in exorbitant executive compensation at the University of California (UC) and the California State University (CSU). SB 217, authored by Senator Yee, will prohibit pay raises for top executives in years in which the UC or CSU budget does not receive an increase in state funding.

“The UC and CSU seem committed to going down the same egregious path as AIG and other Wall Street corporations by providing for their top executives and ignoring everyone else,” said Yee, who is also an alumnus of both the UC and CSU. “SB 217 will ensure that top execs are not living high on the hog, while the students are unfairly suffering.”

Both systems have been plagued with executive compensation scandals over the past several years. Since 2002, top execs at CSU have received raises in excess of 23 percent. Despite the state’s struggling finances and increased student fees, the UC recently handed out over \$350,000 a year for two top executives and paid exorbitant administrative leave for two former chancellors, receiving over \$300,000 and \$400,000 a year each. This is in addition to recent pay hikes of over 22 percent for several senior managers.

In February, it was unveiled that the UC also misled the public

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only results in being re-victimized, but unfairly strains a family attempting to recover. The possibility of eviction discourages women from coming forward to report incidents of domestic violence. If a victim wants to stay in his or her home, they should be allowed that opportunity and should not face added pressures of moving or possible homelessness."

Under current law, if a victim determines he or she must relocate to a safe environment, he or she can petition the court to break his/her lease without penalty. However, the reverse option is not currently available in jurisdictions besides San Francisco. The result is that many landlords force victims to leave their homes under a nuisance clause in their rental agreement.

SB 782 would allow a tenant to petition the court to stay in their homes if issued an eviction notice based primarily on the acts of domestic violence. In order to be eligible, tenants must have written documentation by a qualified third party (such as a police officer, therapist or licensed clinical social worker) substantiating the abuse. Tenants would still be subject to all the terms of their lease.

"Victims of domestic violence should have the opportunity for safe recovery in stable housing," said Chu. "I applaud Senator Yee for addressing this issue at the state level."

"Fleeing abuse leaves many families homeless," said Harris. "With this legislation, Senator Yee is giving domestic violence survivors across our state the same protection afforded to victims in San Francisco, where we fought to change the law so domestic violence survivors don't lose their homes as a result of violence that has been inflicted upon them."

"During these times of fiscal challenge, we need to take steps to keep vulnerable people in their homes while safeguarding the rights of domestic violence victims and landlords at the same time," said Betty Yee, Chair of the State Board of Equalization. "This measure gives clear direction to courts to focus on police reports and restraining orders to remove the abuser, not the victim, from the property."

"This bill extends important tenant rights to victims of domestic violence, sexual assault, or stalking," said Emily Murase, Executive Director of the San Francisco Department on the Status of Women. "Victims will no longer be subject to eviction based on noise, police activity, or other complaints. These evictions had the adverse effect of discouraging women from coming forward against their batterers and pursuers. We need to encourage, not discourage, women to step forward."

SB 782 will be considered by the Senate Judiciary Committee on April 21.

Last year, Senator Yee authored and successfully passed another law that victim advocates believe will result in more women coming forward to law enforcement after falling victim to domestic violence. SB 1356 protects domestic violence survivors from the threat of incarceration when they refuse to testify against their abuser in court.

According to the California Partnership to End Domestic Violence, nearly 44,000 people were arrested statewide in 2006 for domestic violence charges.

If you are a victim of domestic violence or if you want to report an incident of domestic violence, call the 24-hour-a-day toll-free National Hotline at 1-(800) 799-SAFE or 1-(800) 787-3224 (TDD). ❖

## **SENATE PASSES BILL TO PROTECT CONSUMERS FROM DECEPTIVE AUTO-RENEWALS**

### ***YEE'S BILL WOULD REQUIRE BUSINESSES TO RECEIVE CONSUMERS' CONSENT FOR ONGOING CHARGES***

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Consumers are increasingly falling victim to a common, and often deceptive, business practice involving automatic renewals of products and services. The practice often occurs when a consumer thinks he/she is making a one-time purchase for a product, or receiving a product for free, only to later receive additional shipments of the product and charges to his/her credit card. These unforeseen charges are often the result of agreements enumerated in the fine print of an order or advertisement.

The California Senate recently approved SB 340, authored by Senator Yee, which will require businesses to clearly and conspicuously state the automatic renewal offer terms and obtain the customer's affirmative consent that they acknowledge and accept ongoing charges at the time of the agreement or purchase.

The bill will also require all marketing materials to display a telephone number, postal address, or electronic mechanism the customer could use for cancellation. SB 340 would provide similar consumer protections for any automatic renewal offer made over the telephone or on the internet.

"It has become increasingly common for consumers to receive unwanted charges on their credit cards," said Yee. "The onus should not fall on the consumer to stop these unfair charges. SB 340 provides commonsense protections for consumers and will help stop these unscrupulous and predatory practices."

In 2006, Time, Inc. settled a multi-state lawsuit regarding its automatic renewal offers and solicitations. SB 340 is modeled under the terms of the settlement agreement made by 23 state attorneys general, including then California Attorney General Bill Lockyer.

The states launched their investigation after receiving complaints from consumers that Time was billing them or charging their credit cards for unwanted magazine subscriptions. The complaints started after Time initiated an automatic renewal program that required consumers to affirmatively cancel subscriptions if they did not want them. The change broke with Time's previous practice of offering limited-term subscriptions that customers could renew, if they desired, at the end of the term. The states' probe found that these mail solicitations misled some consumers into paying for unwanted or unordered subscriptions.

Aside from the \$4.3 million in refunds, Time paid 23 states a total of \$4.5 million to cover their investigation costs.

SB 340 is widely supported by consumer groups including the Consumer Federation of California, California Public Interest Research Group (CALPIRG), and the California Alliance for Consumer Protection. ❖

**YOU \$AVE \$AN FRANCISCO - *Savings and Values for Everyone***

**Saturday, May 30, 2009**

11:00 AM - 3:00 PM

**Minnie & Lovie Ward Recreation Center**

650 Capitol Ave, at Montana St, San Francisco

for more details, visit <http://yousavesanfrancisco.com/>

## COMMITTEE APPROVES BILL TO HELP PROTECT SAN FRANCISCO BAY

YEE CONTINUES LEGISLATIVE EFFORTS IN RESPONSE TO COSCO BUSAN OIL SPILL

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Senator Yee is continuing his legislative efforts in response to the 2007 Cosco Busan container ship that hit the Bay Bridge and spilled 53,000 gallons of oil into the San Francisco Bay. On an 11-1 vote, the Senate Governmental Organization Committee today approved Yee's Senate Bill 300 to help provide better navigation equipment for San Francisco Bay Bar Pilots – the maritime pilots who assist vessels traveling in Bay Area waters.

In 2008, Yee successfully passed SB 1217, which provides greater public oversight of the board that regulates the San Francisco Bar Pilots. The law also requires the bar pilots board to appoint a physician to evaluate the effects of prescription medications that a pilot may be taking and requires the physician to determine if the individual is fit to perform his or her duties as a pilot.

This year's bill, SB 300, will impose a surcharge on shippers to be used for the purchase or lease of navigation software, hardware, and ancillary equipment.

"Senate Bill 300 will help protect our San Francisco Bay from future environmental disasters," said Yee. "The Cosco Busan oil spill was devastating for our region and reiterated the need to improve the response to future disasters and to develop the technology to avoid them in the first place. The protection of California's coastline is vital to our wildlife as well as our economy, especially commercial fishing and tourism, which annually contributes over \$50 billion to the State's economy."

Federal law requires that all foreign vessels in excess of 300 gross tons entering or leaving a US port use the services of maritime pilots. California has governed pilots entering San Francisco since 1850 when the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun was first created by the Legislature.

SB 300 will next be considered by the Senate Appropriations Committee. ❖

## EDUCATION, continued from page 1

regarding a high paid executive, who left her job at the Oakland headquarters in November with a six-figure severance check, only to begin a new job at the Berkeley campus the very next day making her same salary.

"The UC and CSU appear to be tone deaf and continue to disrespect the taxpayers, students, and their low wage workers and faculty," said Yee. "There is absolutely no justification for these bloated salaries. The UC and CSU administration continuously violate the public trust by catering to the University's elite rather than serving the students and workers they are appointed to represent. The public deserves better."

Over the past several years, Yee has attempted to reign in the UC and CSU executive compensation practices by passing several bills including Senate Bill 190 (2007), also known as the Higher Education Governance Accountability Act. The law requires such decisions to be made in open session with public input. Prior to SB 190, many of the executive compensation decisions were done behind closed doors.

SB 217 is supported by the California State Students Association, University of California Students Association, California Faculty Association, American Federation of State, County, and Municipal Employees (AFSCME), California Nurses Association, California State Employee Association, and the Associated Students of the University of California – Davis (ASUCD), among others.

"We have found hope in Senator Yee's SB 217," said Talia MacMath, Director for ASUCD. "This bill both highlights a serious issue that has plagued the UC system relatively unabated for years and pressures the Regents to stop thinking of their top administrators as isolated from this global recession. It is truly unfair that during times when state funding causes a de facto increase of student fees of upwards of 10 percent that salaries are increased up to 22.3 percent."

SB 217 will next be considered by the Senate Appropriations Committee. ❖

## SAN FRANCISCO, SAN MATEO STUDENTS SELECTED AS CLIMATE CHAMPIONS



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Three high school students from San Francisco and San Mateo County were honored recently at the State Capitol for their work to protect the environment. Soraya Okuda of Lowell High School in San Francisco and Aragon High School students Jason Bade from Foster City and Julia Borden from San Mateo were among the ten California Climate Champions chosen by the State of California and the British Council for their work to address global climate change.

"This is an extraordinary honor of which everyone in our community should be quite proud," said Senator Yee. "These environmental champions were selected by a rigorous application and interview process and demonstrated outstanding communication skills and impressive knowledge of climate change."

The California Climate Champions program is a partnership between the State of California and the British Council, which has sponsored similar programs in 15 other countries. In February 2009, the International Climate Champions from all participating countries gathered in Edinburgh, U.K., to learn more about designing effective projects to address climate change.

"These young people will inevitably be the leaders who solve the climate crisis facing our planet," said Yee. "I wish them the best of luck in their endeavors and thank them for their leadership." ❖



## Los Angeles Times

Thursday, April 30, 2009

### EDITORIAL:

#### California's juvenile injustice system

**The state sentences children as young as 14 to life without parole. A state Senate bill would bring some sanity to the situation.**

Children, even really bad ones, are different from adults. That basic truth is the foundation of our juvenile justice system, which seeks to protect society from violent youth while recognizing that they haven't yet developed an adult's brainpower, resistance to peer pressure, judgment and thus moral capacity. It's the underpinning of the U.S. Supreme Court's 2005 ruling in *Roper vs. Simmons*, which banned execution of inmates for crimes they committed as children.

That doesn't stop California from locking up children as young as 14 for life without even the most remote possibility of parole. There are more than 200 such offenders living out their lives in prison here, with no chance -- despite any maturing, any repentance, any burgeoning awareness of the wrongness of their actions -- of asking for parole, even decades into adulthood. That's costly, cruel and foolish.

Knowing they will live and die in prison, people who acted in the rashness of youth have no hope of returning to society, and therefore no reason to learn, or grow, or mature, or reform. But surely their example will dissuade other youth from crime? Nonsense. Kids who can't imagine next year can't imagine life in prison and can't be expected to make decisions based on something as obscure to them as parole.

Consider, as well, cases such as Antonio Nunez of South Los Angeles, who at 14 was in a car with two adults when someone in the vehicle fired at police. No one was injured, but the boy was sentenced to life in prison forever. It's not an unusual story in this city, where adult gang members recruit teens to help them out and take the fall. Dickens would have a field day.

SB 399, by state Sen. Leland Yee (D-San Francisco), would give a few of California's youth imprisoned without parole some very narrow hope of a future. It would permit a judge, at least a decade after the sentencing, to consider substituting a sentence of 25 years to life. The inmate would still have to serve a quarter of a century before even being eligible to ask for parole.

Even this modest, sane and humane reform could fail in Sacramento on the specious assertion that the state would be unable to bear the cost of an occasional additional parole hearing; we will instead continue to pay hundreds of millions of dollars for a lifetime of imprisonment because of the actions of a teenager. No wonder California can't manage a prison system or balance a budget.

Of all the nations of the world, only the United States permits life without parole for children. Even here, a growing number of states have banned the practice. California should too, but in the meantime, Yee's bill is a sane start. ❖

## The Mercury News

Friday, April 10, 2009

### EDITORIAL:

#### California must embrace transformation and back the language bill

IT'S TIME FOR Californians to embrace the remarkable ethnic and racial transformation that's sweeping the state.

In 1970, four of every five Californians were non-Hispanic Caucasians. But by 2000, no racial or ethnic group constituted a majority of the state's population. Most of the growth has occurred among Asian and Latino populations. Today, according to the Public Policy Institute of California, about one in four Californians was born in another country.

Latinos will become the single largest ethnic group in California within the next decade. By around 2040, they will constitute a majority of the population. Already today, Latinos are the single largest ethnic group among Californians under 35 years old and almost half of all births in California are to Latina mothers.

Appropriately, state law prohibits employers from requiring that workers speak only English on the job unless such a language requirement is a business necessity. However, there is no prohibition on businesses establishing language rules for patrons or participants in business activities.

That became stunningly clear last year when the Ladies Professional Golf Association tried to establish a policy mandating that all players speak English or risk suspension of their playing privileges. The rule smacked of ethnocentrism that is antithetical to the cultural diversity of the Golden State.

Moreover, the rule ignored that most major sports — including, for example, the National Basketball Association, the National Hockey League and Major League Baseball — now work to showcase their diversity rather than trying to hide it.

Fortunately, sanity prevailed and the LPGA backed away from its ill-conceived plan.

Indeed, as we said at the time, women golfers should be judged by how well they hit a drive from the tee or sink a putt on the green, not how well they can conjugate an English verb. That mindset should carry over to all businesses in the state.

For that reason, we support state Sen. Leland Yee's bill, SB 242, that would ban language restrictions in a business establishment unless the rule is justified by a business necessity — specifically that it's needed for the safe and efficient operation of the business and there is no alternative to the language restriction that would be effective.

Passage of this legislation would send a strong signal that Californians welcome and embrace the state's diversity. ❖