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Is California's Legislature ultraliberal? Not so fast

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SACRAMENTO — It seemed like a sure bet for another display of California's ultra-blue "Resistance": Fresh with outrage over President Donald Trump's decision to withdraw from the Paris climate agreement, the Democratic-dominated California Assembly considered a bill to curb both global warming and air pollution.

But in a surprising twist that illustrated how California's Legislature isn't as knee-jerk liberal as the rest of the country thinks, the lower house rejected the closely watched climate bill late Thursday night. To the dismay of environmentalists, it fell eight votes short amid a force that even politicians in Sacramento are not immune to: industry opposition.

"I think it really does highlight the really challenging, very diverse politics of the Assembly," said Amy Vanderwarker, co-director of the California Environmental Justice Alliance.

Within its Democratic supermajority, California's 80-member state Assembly includes business-friendly moderates known as "Mod Dems" who heed the state Chamber of Commerce's list of "job-killer" bills.

And then there are the Democratic legislators from swing districts in more conservative parts of the state. With their seats on the line every two years, Assembly members are in constant campaign-mode.

The Assembly's political complexity could doom big proposals coming its way this summer from the more predictably progressive Senate — from bail reform to universal health care.

The health care measure, by Sens. Ricardo Lara, D-Bell Gardens, and Toni Atkins, D-San Diego, would replace private health insurance in California with a government-run health care system that has energized the party's Bernie Sanders supporters and other progressives. But it's sure to have a cooler reception among more centrist Democrats.

The universal health care bill [passed out of the Senate](#) Thursday without a funding plan, but it has long odds of making it through the Assembly — especially once it includes the tax provisions needed to pay for it. Tax increases require a two-thirds vote in each house.

Asked to predict the bill's chances in the Assembly, Assemblyman Adam Gray, a moderate Democrat from Merced, responded, "I would think zero."

Gray called the Senate's decision to release the bill without funding details an example of "juvenile, irresponsible government."

Bill Whalen, a research fellow at Stanford's Hoover Institution, said California's progressive proposals will generally hit "two very big and very realistic speed bumps: a handful of lawmakers who listen to the business community and act accordingly, and the second speed bump is (Gov.) Jerry Brown."

Brown, who has fashioned himself as a fiscal moderate and the political grownup, has expressed skepticism about the challenges of creating a universal health care system in California. Many Capitol observers speculate he will veto any measure that comes to his desk.

If the governor sends such signals — or even if he stays silent — that gives “cover” to more centrist Democrats who tend to follow his lead on fiscal matters, Whalen said.

The governor has called on the Legislature to extend California’s signature cap-and-trade program — which regulates greenhouse gases — past 2020, but he has so far been silent on specific proposals, such as Assembly Bill 378, by Cristina Garcia, D-Bell Gardens. That’s the bill that failed late Thursday.

Garcia’s bill would have set emissions restrictions on individual power plants and factories, and it was fought by Big Oil and the powerful State Building & Construction Trades Council, which argued that the restrictions would hurt business.

The bill’s decisive failure caused sharp disappointment among the party’s environmentalists.

Vanderwarker said she was struck by the disconnect between the anti-Trump rhetoric throughout the day and the vote tally — 33-39 — which fluctuated for well over 30 minutes as some Democrats went back and forth over whether to support it. It lost even though Assembly leaders thought they had the votes.

“When it comes time to taking the tough votes and standing up to industry to make the changes that will directly improve the lives of low-income communities and communities of color, we don’t see the votes,” Vanderwarker said.

Hector Barajas, a longtime Republican Party strategist who now runs a public affairs firm representing the bail-bonds association and other business interests, said he generally finds the Assembly to be more receptive than the Senate.

“There’s a little more independent thinking on the Assembly side,” he said. “If you’ve got something that’s impacting jobs or impacting how we build ... you’re probably going to have a more willing ear to listen to you over on the Assembly side than on the Senate.”

Opponents of the bail-reform legislation warned it would create public safety risks and cause job losses throughout the bail-bonds industry.

“You, the taxpayer, will pay to release these criminals,” Duane Chapman, known as “Dog the Bounty Hunter,” said in a robo-call to some 800,000 phone lines last month. “Car thieves, burglars, sexual predators and repeat offenders will get out of jail with little accountability, and we will not be able to go after them when they run.”

As identical bail-reform measures by Assemblyman Rob Bonta, D-Oakland, and Sen. Bob Hertzberg, D-Van Nuys, headed to the floor of each house, Barajas said, lobbyists tried to make their case to each chamber, but they had less success in the Senate.

“We were able to have a nice, open discussion a lot more with members of the Assembly,” he said.

Hertzberg’s bill to eliminate county bail schedules and replace it with a safety risk assessment of pre-trial detainees sailed out of the Senate on Wednesday, 26-11, even picking up some Republican support. But it could soon hit a roadblock.

Bonta’s bill failed late Thursday, 36-37, on the Assembly floor.