

# California Legislature passes drought bill imposing fines, water system consolidation

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A California budget bill that would allow the state to force consolidation of water systems, exempt certain water projects from environmental review and make other far-reaching changes in response to the drought cleared the Legislature on Friday over the angry objections of Republicans.

The legislation, [Senate Bill 88](#), also would require anyone who diverts 10 acre-feet of water or more to measure and report on their diversions and allows agencies to fine people who violate a water conservation measure as much as \$10,000.

The measure passed the Senate 24-14, shortly after it cleared the Assembly 52-28, with all Republicans opposed.

“This is nothing more than a state coup on local water districts,” state Sen. Jeff Stone, R-Temecula, told colleagues, calling the measure an abuse of power that came before lawmakers with little public airing. He predicted bureaucratic chaos prompted by water agency litigation.

State Sen. Mark Leno, D-San Francisco, said, “Safeguards are in place,” and he predicted that the consolidation authority “will be used rarely.”

The Brown administration [began pushing for the water system consolidation power](#) a little more than a month ago. Under the bill approved Friday, the state water board could order the consolidation of water systems serving “disadvantaged communities” where the annual median household income is less than 80 percent of the state’s median, or about \$49,000, according to the most current census information. A water system must have failed to provide quality drinking water to its customers.

The bill also provides exemptions from the California Environmental Quality Act to some drought-related groundwater and water recycling projects. The proposal was narrower in scope than one Gov. Jerry Brown originally proposed.

The debate over the drought bill was much more intense than that for [legislation passing a new \\$115.4 billion general fund budget](#). Republicans called SB 88 a dangerous expansion of government power rushed through without sufficient debate. The disputed provisions surfaced in a budget-related bill as the fiscal debate neared its conclusion.

Sen. Jim Nielsen, R-Gerber, objected to the late-emerging nature of the legislation, saying it rides “roughshod over water rights.” Said Assembly Minority Leader Kristin Olsen, R-Riverbank, “We’ve been scrambling to get information.”

But Sen. Lois Wolk, D-Davis, called the bill fair and said that “there must be some enforcement authority” of conservation rules.

Supporters called the final measure a desperately needed tool to get water to parched towns.

“People still don’t have water, and that’s unacceptable in modern America and modern California,” said Assemblyman Luis Alejo, D-Watsonville, who described communities where residents are trucking in water after wells and taps have run dry.

“This bill says help your neighbor in need, or we will do it for you,” added Assemblyman Marc Levine, D-San Rafael.

But Republicans assailed the bill for selectively giving relief from CEQA, a law they regularly seek to overhaul more

broadly, and for giving unelected bureaucrats too much authority over water use.

“This is horrible that we’re going to give the executive branch one more tool in Sacramento” that would allow officials “to come into our neighborhoods, to come into our districts and take over these local water agencies,” said Assemblyman Brian Jones, R-Santee.

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