



ASSEMBLYMEMBER ADAM C. GRAY
21ST ASSEMBLY DISTRICT
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Governor Vetoes Gray’s Fair Water Rights Hearing Legislation

SACRAMENTO – Assemblyman Adam C. Gray (D-Merced) expressed frustration and disappointment today upon learning that the Governor had vetoed Gray’s fair water rights hearing legislation.

“For more than half a century, the State Water Resources Control Board has kept a dirty little secret,” said Gray. “They are the judge, the jury, and the prosecution in the water world. They have zero accountability to the people of California, yet their decisions impact the daily lives of millions of people.”

Gray’s bill, AB 313, would have inserted checks and balances back into water rights enforcement. Rather than allowing the Water Board to write the rules and then unilaterally decide who breaks them as is done now, the bill would have required water rights enforcement hearings to occur at the Office of Administrative Hearings under the direction of an administrative law judge.

“I am disappointed that AB 313 was not signed by the governor,” said Senator Anthony Cannella. “For too long the water users believed that the process was stacked against them. This bill would have inserted a nominal step to make the process more fair. Those of us who represent the valley will not stop fighting for a fair process.”

Under current law, the State Water Board issues complaints against water users for allegedly violating water rights and provides 20 days for the water user to request an appeals hearing. The

hearing occurs at the Water Board itself, with Water Board staff acting as the prosecution and a member of the Water Board acting as the judge. A legislative report found that out of more than 2,500 cases in the last decade, the Water Board has only overturned a single complaint.

“It’s no wonder the Water Board wins 99.9% of its cases when they are essentially being asked whether or not they agree with themselves,” said Gray.

“I’m disappointed that the Governor wasn’t able to sign AB 313 and help restore some faith in the State Water Resources Control Board process,” said Assemblyman Heath Flora. “This issue isn’t going away and we will continue to fight.”

In his veto message Governor Brown said that, while he could not support Gray’s bill, he is “directing the Secretary of the Environmental Protection Agency to evaluate the potential role for administrative law judges and provide a recommendation on improvements to the Board’s hearing process...”

“I am encouraged that the Governor recognizes the lack of transparency and fairness in the Water Board’s process,” said Gray. “The bureaucrats at the State Water Board have lost any and all credibility with the communities I represent. I will continue to pursue every avenue at my disposal to promote greater public transparency and expose this out of control kangaroo court of an agency.”

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Assemblymember Adam C. Gray represents the 21st Assembly District which includes all of Merced County and portions of Stanislaus County.