



Brown Vetoes WG-Supported Fair Water Rights Hearing Bill

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Category:

[Water Supply](#), [Legislative](#)



In the final hours to sign or veto bills sent to him by the California Legislature, Governor Brown vetoed AB 313 by Assemblymember Adam Gray, a Western Growers-supported bill that would have inserted much-needed balance into the state's water rights enforcement activities.

The current system gives the State Water Resources Control Board (Water Board) authority to not only allocate water rights and permits, but to unilaterally enforce these rights and mete out punishment if they believe there has been a violation by a water user.

These decisions are made in water rights enforcement hearings, which are conducted by appointed Water Board members using their own staff as investigators and prosecutors, with the board members themselves acting as judge and jury.

In a [press release](#), Assemblyman Gray expressed frustration and disappointment with the governor's veto, saying: "For more than half a century, the State Water Resources Control Board has kept a dirty little secret. 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."

Clearly, the current system creates challenges for the Water Board to provide fair hearings and appropriate judicial review.

In an effort to ensure fundamental fairness in these proceedings, AB 313 would have transferred the responsibility of conducting water rights enforcement hearings to a new Water Rights Division in the Office of Administrative Hearings.

In his [veto message](#), the governor said: "While I acknowledge the author's intent to increase fairness and transparency in enforcement actions taken by the Board, the bill would not work as intended."

However, in his veto message, Governor Brown did direct the Secretary of the Environmental Protection Agency to evaluate the role for administrative law judges and provide a recommendation on improvements to the Water Board's hearing process by January 1st, 2018.

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The California Legislature closed out the legislative year on September 15, 2017, and will not be returning to Sacramento until January 3, 2018. All attention is now on Governor Brown who has until October 15 to sign or veto the bills that have made it to his desk.

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