STATE OF NEW YORK

3299--E

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. KELLES, L. ROSENTHAL, THIELE, SIMONE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to enacting the "New York open water data act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "New York open water data act".

§ 2. Definitions. For purposes of this act, the following terms shall have the following meanings:

1. "Conveners" means the:

(a) New York water resources institute at Cornell University; and

(b) New York sea grant at Stony Brook University.

2. "Agencies" means the:

(a) New York state department of environmental conservation;

(b) New York state department of health's bureau of water supply protection;

(c) New York state department of agriculture and markets;

(d) New York state canal corporation;

(e) New York city department of environmental protection; and

(f) public service commission.

3. "Water data" means:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD00615-20-4

(a) Measurements of basic properties relating to the planning and management of water resources, including streamflow, precipitation, ground water, water quality and water use in agriculture, industry and municipal uses and natural systems;

(b) All such data related to fresh or inland waters of the state, including but not limited to wetlands, lakes, streams, creeks, rivers, reservoirs, aquifers, and groundwater;

(c) All data related to state and municipal water infrastructure, including but not limited to canals, aqueducts, dams, and pipes;

(d) Data that may include areas of mixing of fresh and marine waters, including but not limited to tidal basins and estuaries; and

(e) At the discretion of the conveners, the term "water data" may include data related to coastal waters used for human activities including, but not limited to agriculture, recreation, and industry.

§ 3. Water data conveners and agencies; duties; standards and best practices; annual plan. 1. By January 1 in the year after this act shall have become a law, and at least quarterly thereafter, the conveners shall organize and hold a meeting with the agencies to plan and determine a framework to meet the requirements set forth in this section. The conveners shall provide any expertise and support necessary to assist the agencies in meeting the requirements of this section and the framework established by the agencies.

2. By January 1 two years after this act shall have become a law, the agencies and the conveners shall:

(a) identify key water data, information and tools needed to support water management and planning, including but not limited to;

(i) state and local government data on streamflow, precipitation, reservoir and irrigation system operations, ground water use and levels, municipal and industrial water use and land uses, but not including data from residential wells;

(ii) data on water rights, water diversions and water quality;

(iii) data on fish, aquatic and riparian systems and ecological data;

(iv) water quality data, including sampling results generated by public water supplies in accordance with title 1 of article 11 of the public health law;

(v) data from private wells collected by local or state agencies;

(vi) commercial uses of water licensed by state agencies;

(vii) water affordability data, including but not limited to water rates, shut-offs conducted, and aggregate data on arrears; and

(viii) water infrastructure data.

(b) develop common water data standards for data collection and dissemination, including practices to standardize and clean up data and make it available to the public in commonly used data formats, which shall, where appropriate, be arranged or identified by county and municipality or other appropriate geographic area, and that shall exclude specific addresses, locations, and other personal information;

(c) make such water data available to the public through the state's open data program OpenNY, including working to identify and develop any critical data that can be made accessible via geographic information systems (GIS) mapping and ensuring that all datasets have an application programming interface (API) endpoint to allow researchers and developers to access and deploy such data in ways that further public use of such data;

(d) identify available and unavailable water data; and

(e) develop pathways to include water data derived from citizen science efforts.

3. Water data research undertaken with state funding shall comply with the common water data standards and best practices developed by the agencies.

4. The agencies and the conveners shall update all water data collected pursuant to this act at least annually.

5. The agencies shall collaborate with other regional, national and international efforts, including but not limited to the great lakes commission and the international joint commission, to share, integrate and manage water data.

6. By September 1 two years after this act shall have become a law, and thereafter annually by September 1 of each year, the agencies shall develop and submit a plan to the governor and the legislature that details:

(a) an assessment of water data and information needs to support water management and planning;

(b) goals, targets and actions to carry out the purposes of this act in the upcoming fiscal year;

(c) budgetary resources to carry out the purposes of this act; and

(d) metrics for achieving the purposes of this act.

§ 4. Funding. Funding for such act shall consist of all revenue received pursuant to an appropriation thereto, and all other monies appropriated, credited or transferred from any other source pursuant to law. Nothing in this section shall be deemed to prevent the state from receiving grants, gifts or bequests for the purpose of such act. Grants shall only be awarded based upon the availability of funds.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law.