

STATE OF NEW YORK

239--E

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. MAY, COMRIE, HARCKHAM, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, 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:

- 1 Section 1. Short title. This act shall be known and may be cited as
- 2 the "New York open water data act".
- 3 § 2. Definitions. For purposes of this act, the following terms shall
- 4 have the following meanings:
- 5 1. "Conveners" means the:
- 6 (a) New York water resources institute at Cornell University; and
- 7 (b) New York sea grant at Stony Brook University.
- 8 2. "Agencies" means the:
- 9 (a) New York state department of environmental conservation;
- 10 (b) New York state department of health's bureau of water supply
- 11 protection;
- 12 (c) New York state department of agriculture and markets;

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

LBD00615-21-4

- 1 (d) New York state canal corporation;
 - 2 (e) New York city department of environmental protection; and
 - 3 (f) public service commission.
- 4 3. "Water data" means:

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

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

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

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

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

19 § 3. Water data conveners and agencies; duties; standards and best
20 practices; annual plan. 1. By January 1 in the year after this act shall
21 have become a law, and at least quarterly thereafter, the conveners
22 shall organize and hold a meeting with the agencies to plan and deter-
23 mine a framework to meet the requirements set forth in this section. The
24 conveners shall provide any expertise and support necessary to assist
25 the agencies in meeting the requirements of this section and the frame-
26 work established by the agencies.

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

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

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

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

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

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

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

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

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

44 (viii) water infrastructure data.

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

51 (c) make such water data available to the public through the state's
52 open data program OpenNY, including working to identify and develop any
53 critical data that can be made accessible via geographic information
54 systems (GIS) mapping and ensuring that all datasets have an application
55 programming interface (API) endpoint to allow researchers and developers

1 to access and deploy such data in ways that further public use of such
2 data;

3 (d) identify available and unavailable water data; and

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

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

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

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

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

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

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

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

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

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

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