

# STATE OF NEW YORK

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3299--D

2023-2024 Regular Sessions

## IN ASSEMBLY

February 2, 2023

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Introduced by M. of A. KELLES -- 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

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;

13 (d) New York state canal corporation;

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

15 (f) public service commission.

16 3. "Water data" means measurements of basic properties relating to the  
17 planning and management of water resources, including streamflow,

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

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1 precipitation, ground water, water quality and water use in agriculture,  
2 industry and municipal uses and natural systems.

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

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

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

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

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

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

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

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

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

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

28 (viii) water infrastructure data.

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

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

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

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

45 3. Water research undertaken with state funding shall comply with the  
46 common water data standards and best practices developed by the agen-  
47 cies.

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

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

54 6. By September 1 two years after this act shall have become a law,  
55 and thereafter annually by September 1 of each year, the agencies shall

1 develop and submit a plan to the governor and the legislature that  
2 details:

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

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

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

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

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

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