

# 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 -- 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:

- 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (viii) water infrastructure data.

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

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

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

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

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

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

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

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

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

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

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

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

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

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