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AMENDED IN ASSEMBLY MAY 11, 2016

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AMENDED IN ASSEMBLY MARCH 1, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1755

Introduced by Assembly Member Dodd

February 2, 2016

An act to add Part 4.9 (commencing with Section 12400) to Division 6 of the Water Code, relating to water data.

LEGISLATIVE COUNSEL'S DIGEST

AB 1755, as amended, Dodd. The Open and Transparent Water Data Act.

Existing law imposes on the Department of Water Resources various duties with respect to water in the state. Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the state board grants permits and licenses to appropriate water. Existing law regulates water transfers and authorizes a permittee or licensee to change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if certain conditions are met.

This bill would enact the Open and Transparent Water Data Act. The act would require the department, by January 1, 2018, to create, operate, and maintain a statewide integrated water data platform that, among *other* things, would integrate existing water and ecological data

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information from multiple databases and provide data on completed water transfers and exchanges.

The act would require the department, the state board, and the Department of Fish and Wildlife to develop protocols for data sharing, documentation, quality control, public access, and promotion of open-source platforms and decision support tools related to water data and to submit to the Legislature a report on those protocols. The act would ~~specify that~~ *require* a recipient of state funds for research or projects relating to the improvement of water data ~~shall~~ *to* adhere to those protocols or be ineligible for state funding.

The act would create the Water Data Administration Fund. The act would specify that moneys in the fund would be available, upon appropriation, to the department, the state board, ~~and or~~ the Department of Fish and Wildlife for the improvement of water data ~~and or~~ for certain other purposes of the act.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 4.9 (commencing with Section 12400) is
2 added to Division 6 of the Water Code, to read:

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4 PART 4.9. THE OPEN AND TRANSPARENT WATER DATA
5 ACT

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7 CHAPTER 1. GENERAL PROVISIONS

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9 12400. This part shall be known, and may be cited, as the Open
10 and Transparent Water Data Act.

11 12401. The Legislature finds and declares all of the following:

12 (a) The recent drought reveals that California needs to integrate
13 existing water and ecological data into an authoritative open-access
14 platform to help water managers operate California's water system
15 more effectively and help water users make informed decisions
16 based on water availability and allocation.

17 (b) State and federal leadership, increased awareness by
18 business, governmental, and nongovernmental organizations
19 through open and transparent access to data, and improved
20 technology and availability of open-source platforms create a

1 unique opportunity that California should seize upon to integrate
2 and increase access to existing water data.

3 (c) California is working to increase access to water data
4 collected by state agencies. The state board is piloting a project to
5 make water quality datasets available online through an open data
6 portal. The portal creates an opportunity to foster collaboration
7 among state agencies, share and integrate existing datasets, improve
8 state agency operations through data-driven decisionmaking, and
9 improve transparency and accountability.

10 (d) State agencies should promote openness and interoperability
11 of water data. Making information accessible, discoverable, and
12 usable by the public can foster entrepreneurship, innovation, and
13 scientific discovery.

14 (e) Water data and research that is gathered using state funds
15 should be made publicly accessible. State delegation of data
16 management to contractors should not result in the public losing
17 access to its own information.

18 (f) The availability of open-source tools makes it easier to access
19 and explore water and ecological data and could facilitate the
20 creation of an online integrated water data platform without the
21 need to create an expensive new centralized database.

22 12402. Unless the context otherwise requires, the following
23 definitions govern the construction of this part:

24 (a) “Department” means the Department of Water Resources.

25 (b) “Metadata” means data that describes data.

26 (c) “Platform” means the statewide integrated water data
27 platform described in Section 12415.

28 (d) “State board” means the State Water Resources Control
29 Board.

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31 CHAPTER 2. STATEWIDE WATER DATA INTEGRATION

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33 Article 1. General Provisions

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35 12405. The department, the state board, and the Department
36 of Fish and Wildlife shall coordinate and integrate existing water
37 and ecological data from local, state, and federal agencies. The
38 purposes for integrating water and ecological data are to provide
39 adequate information to implement the Sustainable Groundwater
40 Management Act (Part 2.74 (commencing with Section 10720)),

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1 improve the management of the state’s water resources, and bring
2 greater transparency to water transfers and the market.

3 12406. (a) The department, the state board, and the Department
4 of Fish and Wildlife shall develop protocols for data sharing,
5 documentation, quality control, public access, and promotion of
6 open-source platforms and decision support tools related to water
7 data. The agencies shall develop and submit to the Legislature, in
8 compliance with Section 9795 of the Government Code and before
9 the establishment of a statewide integrated water data platform
10 pursuant to Section 12410, a report describing these protocols.
11 The report shall be developed in collaboration with relevant federal
12 agencies and interested stakeholders, including, but not limited to,
13 technology and open data experts and water data users.

14 (b) Grant recipients for research or projects relating to the
15 improvement of water data that receive state funds shall adhere to
16 the protocols developed by state agencies pursuant to subdivision
17 (a) for data sharing, transparency, documentation, and quality
18 control.

19 (c) A researcher or grant recipient that does not comply with
20 subdivision (b) is not eligible for state funding until the researcher
21 or grant recipient complies with those requirements.

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23 Article 2. Statewide Integrated Water Data Platform Creation

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25 12410. (a) The department shall create, operate, and maintain
26 a statewide integrated water data platform in accordance with
27 Section 12415 by January 1, 2018.

28 (b) The department may partner with an existing nonprofit
29 organization, ~~or~~ with a new nonprofit organization that the
30 department creates, organized under paragraph (3) of subsection
31 (c) of Section 501 of Title 26 of the United States Code, or ~~may~~
32 ~~partner~~ with another state ~~agency~~, *agency* to create, operate, ~~and~~
33 ~~maintain~~ *or maintain, or any combination thereof*, the platform.

34 (c) Notwithstanding subdivision (a), the department may enter
35 into an agreement with an existing nonprofit organization, ~~or~~ with
36 a new nonprofit organization that the department creates, organized
37 under paragraph (3) of subsection (c) of Section 501 of Title 26
38 of the United States Code, *or with another state agency* for that
39 nonprofit organization *or state agency* to create, operate, ~~and~~
40 ~~maintain~~ *or maintain, or any combination thereof*, the platform.

1 (d) A nonprofit organization that participates in creating,
2 operating, or maintaining the platform may receive public funds,
3 court-ordered mitigation funds, or other funds to assist in carrying
4 out the responsibilities for integrating and managing existing water
5 and ecological data as described in Section 12415.

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7 Article 3. Statewide Integrated Water Data Platform Features

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9 12415. The statewide integrated water data platform created
10 pursuant to Section 12410 shall, at a minimum, do all of the
11 following:

12 (a) Integrate existing water and ecological data information
13 from multiple autonomous databases managed by federal, state,
14 and local agencies and academia using consistent and standardized
15 formats.

16 (b) Integrate, at a minimum, the following datasets:

17 (1) The department's information on State Water Project
18 reservoir operations, groundwater use, and groundwater levels
19 through California Statewide Groundwater Elevation Monitoring
20 (CASGEM), urban water use, and land use.

21 (2) The state board's data on water rights, water diversions, and
22 water quality through California Environmental Data Exchange
23 Network (CEDEN).

24 (3) The Department of Fish and Wildlife's information on fish
25 abundance and distribution.

26 (4) The United States Geological Survey's streamflow
27 conditions information through the National Water Information
28 System.

29 (5) The United States Bureau of Reclamation's federal Central
30 Valley Project operations information.

31 (6) The United States Fish and Wildlife Service's, United States
32 Forest Service's, and National Oceanic and Atmospheric
33 Administration Fisheries' fish abundance information.

34 (c) Provide data on completed water transfers and exchanges,
35 including publicly available or voluntarily provided data on the
36 volume, price, and delivery method, identity of the buyers and
37 sellers, and the water right associated with the transfer or exchange.

38 (d) Provide clear and careful documentation of data quality and
39 data formats through metadata.

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1 (e) Adhere to data protocols developed by state agencies
2 pursuant to Section 12406.

3 (f) Be able to receive both spatial and time series data from
4 various sources.

5 (g) Enable custom dashboards, visualizations, graphing, and
6 analysis.

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CHAPTER 3. WATER DATA ADMINISTRATION FUND

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10 12420. The Water Data Administration Fund is hereby created.

11 All moneys in the fund are available, upon appropriation, to the
12 department, the state board, or the Department of Fish and Wildlife
13 for the improvement of water data, for entering into an agreement
14 with, or establishing, a nonprofit organization pursuant to Section
15 12410, or creating, operating, or maintaining the statewide
16 integrated water data platform described in Section 12415,
17 including the cost to verify data, and modernizing water
18 information databases.

19 12421. (a) (1) The department, the state board, or the
20 Department of Fish and Wildlife may enter into an agreement to
21 accept funds or services from any person, educational institution,
22 government entity, corporation or other business entity, or
23 organization for the maintenance, development, improvement, or
24 enhancement of a designated agencies' data, decision support tools,
25 or information technology projects. Under the direction of the
26 respective agency, the funds or services received shall supplement,
27 but not replace, existing resources for the maintenance,
28 development, improvement, or enhancement of designated agency
29 data, decision support tools, or information technology systems.
30 The respective agency and the sponsoring or donating person,
31 entity, government, or organization shall specify in the agreement
32 the level of service that is to be performed.

33 (b) Funds received pursuant to this section shall be deposited
34 in the Water Data Administration Fund created pursuant to Section
35 12420.

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SUMMARY: Establishes the Open and Transparent Water Data Act. Specifically, this bill:

- 1) Requires the Department of Water Resources (DWR), the State Water Resources Control Board (SWRCB) and the Department of Fish and Wildlife (DFW) to coordinate and integrate existing water and ecological data to provide adequate information to implement the Sustainable Groundwater Management Act (SGMA), improve water resource management, and bring greater transparency to the water transfer market.

- 2) Requires the DWR, SWRCB, and DFW to develop water data protocols to promote open-source platforms and decision support tools.
 - a) Requires recipients of state grant and research funds to comply with the protocols in order to be eligible for funding.

 - b) Requires the three agencies to submit a report to the Legislature before establishing the platform.

- 1) Requires DWR to create a data platform to integrate local, state, and federal data by January 2018. Allows DWR to contract with an existing nonprofit or create a nonprofit to manage the platform. Specifies minimum requirements and data sets to be included in the integrated data platform.

- 2)Creates the Data Administration Fund and makes funds available, upon appropriation to DWR, SWRCB, and DFW. Allows the three agencies to receive public or private funds, as specified to be deposited in the Fund.

EXISTING LAW:

- 1)Provides the DWR with responsibilities over data associated with the State Water Project, groundwater monitoring, urban water management, and land use.
- 2)Provides the SWRCB with responsibilities over data associated with water rights, water diversions, and water quality.
- 3)Provides the DFW with responsibilities over data associated with fish populations and locations.

FISCAL EFFECT: According to the Assembly Appropriations Committee, this bill would have:

- 1)Ongoing annual implementation and administrative costs of \$1.6 million including an ongoing annual professional services costs of between \$600,000 and \$750,000 associated with creating and maintaining the platform.
- 2)Increased DFW annual costs of \$930,000 for eight permanent intermittent staff to coordinate with DWR and SWRCB, collect and coordinate data, develop standards and policies, and build and manage data systems.

Increased ongoing annual costs of \$840,000 for SWRCB to coordinate with DWR and DFW to develop protocols for data sharing, report to the Legislature, and organize, mine, and analyze data. Increased contracting costs of \$450,000 one-time and \$200,000 ongoing for professional services.

This bill creates a fund and identifies potential funding sources, but does not include any actual funding. It is also possible that since this bill does not clearly delegate responsibilities among the three agencies, the cost may be less due to duplicative estimates.

COMMENTS: California keeps numerous data sets on water from urban use to environmental use and everything in between. Those data sets are not coordinated and as a result do not produce a complete water information picture. The value of these numerous

data sets is diminished by the fact that they are piecemeal and while they may address overlapping problems of supply, use, and efficiency, they are only valuable to the extent they touch on any specific area.

Having all water data in the state compiled and publicly available in a useable fashion could drive water policy innovation and produce many of the benefits that robust useable data have had on energy policy.

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