

Assembly Bill No. 1755

Passed the Assembly August 25, 2016

Chief Clerk of the Assembly

Passed the Senate August 22, 2016

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

AB 1755

— 2 —

CHAPTER _____

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, 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, in consultation with the California Water Quality Monitoring Council, the state board, and the Department of Fish and Wildlife, in accordance with a specified schedule, to create, operate, and maintain a statewide integrated water data platform that, among other things, would integrate existing water and ecological data information from multiple databases and provide data on completed water transfers and exchanges.

The act would require the department, in consultation with the California Water Quality Monitoring Council, 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 require a recipient of state funds through a grant or contract for research or a project relating to the improvement of water or ecological data 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, or the Department of Fish and Wildlife for the collection, management,

and improvement of water and ecological data for the purposes of the act.

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

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

PART 4.9. THE OPEN AND TRANSPARENT WATER DATA ACT

CHAPTER 1. GENERAL PROVISIONS

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

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

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

(b) State and federal leadership, increased awareness by business, governmental, and nongovernmental organizations through open and transparent access to data, and improved technology and availability of open-source platforms create a unique opportunity that California should seize upon to integrate and increase access to existing water data.

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

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

(e) Water data and information technology tools and applications developed and gathered using state funds should be made publicly

AB 1755

— 4 —

accessible. State delegation of data management to contractors should not result in the public losing access to its own information.

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

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

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

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

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

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

CHAPTER 2. STATEWIDE WATER DATA INTEGRATION

Article 1. General Provisions

12405. The department, the state board, and the Department of Fish and Wildlife shall coordinate and integrate existing water and ecological data from local, state, and federal agencies. The purposes for integrating water and ecological data include, but are not limited to, providing adequate information to implement the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720)), improving the management of the state’s water resources, and bringing greater transparency to water transfers and the market.

12406. (a) The department, in consultation with the California Water Quality Monitoring Council, the state board, and the Department of Fish and Wildlife, shall develop protocols for data sharing, documentation, quality control, public access, and promotion of open-source platforms and decision support tools related to water data. The department shall develop and submit to the Legislature, in compliance with Section 9795 of the Government Code and by January 1, 2018, a report describing these protocols. The report shall be developed in collaboration with the California Water Quality Monitoring Council, the state board, the Department of Fish and Wildlife, relevant federal

agencies, and interested stakeholders, including, but not limited to, technology and open data experts and water data users.

(b) Recipients of state funds through grants or contracts for research or projects relating to the improvement of water or ecological data shall, as a condition of the receipt of a grant or contract, adhere to the protocols developed pursuant to subdivision (a) for data sharing, transparency, documentation, and quality control.

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

Article 2. Statewide Integrated Water Data Platform Creation

12410. (a) The department, in consultation with the California Water Quality Monitoring Council, the state board, and the Department of Fish and Wildlife, shall create, operate, and maintain a statewide integrated water data platform in accordance with Section 12415 and the following schedule:

(1) By January 1, 2018, the department shall do both of the following:

(A) Make public the protocols developed pursuant to Section 12406.

(B) Publish a strategic plan for data management to guide the implementation of this part.

(2) By April 1, 2018, the department shall release any request for proposals necessary for the development of a statewide integrated water data platform.

(3) (A) By September 1, 2019, the department shall make available existing water and ecological data held by state agencies on the platform.

(B) The department shall quarterly add the information described in subparagraph (A) not available as of September 1, 2019, that becomes available at a later date.

(4) (A) By August 1, 2020, the department shall make available on the platform available water and ecological data related to California water supply and management that is held by the following agencies:

(i) The United States Bureau of Reclamation.

(ii) The United States Fish and Wildlife Service.

AB 1755

— 6 —

- (iii) The National Oceanic and Atmospheric Administration.
- (iv) The United States Geological Survey.
- (v) The United States Forest Service.

(B) The department shall quarterly add the information described in subparagraph (A) not available as of August 1, 2020, that becomes available at a later date.

(5) By August 1, 2020, the department shall make available on the platform any other existing information listed in Section 12415.

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

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

(d) The Department of Technology is deemed to have delegated to the department any authority over the implementation of this part granted to it pursuant to Section 11546 of the Government Code.

(e) Nothing in subdivision (a) shall prevent a state agency from disseminating, managing, or publishing data separately from the platform.

Article 3. Statewide Integrated Water Data Platform Features

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

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

(b) Integrate the following datasets, as available:

(1) The department's information on State Water Project reservoir operations, groundwater use, groundwater levels, urban water use, and land use.

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

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

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

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

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

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

(d) Provide documentation of data quality and data formats through metadata.

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

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

CHAPTER 3. WATER DATA ADMINISTRATION FUND

12420. (a) The Water Data Administration Fund is hereby created. All moneys in the fund are available, upon appropriation, to the department, the state board, or the Department of Fish and Wildlife for the collection, management, and improvement of water and ecological data for the purposes of this part.

(b) The Department of Finance shall develop a standardized agreement to allow for the voluntary donation to the fund by any person, educational institution, government entity, corporation or other business entity, or organization.

Approved _____, 2016

Governor

CONCURRENCE IN SENATE AMENDMENTS

AB 1755 (Dodd)

As Amended August 1, 2016

Majority vote

ASSEMBLY: 75-4 (May 31, 2016) SENATE: 39-0 (August 22, 2016)

Original Committee Reference: **W., P., & W.**

SUMMARY: Requires the Department of Water Resources (DWR), in consultation with the State Water Resources Control Board (SWRCB), the Department of Fish and Wildlife (CDFW), and the California Water Quality Monitoring Council (CWQMC) to create and maintain a statewide integrated water data platform (Platform) by August 1, 2020. Specifically, **this bill:**

- 1) Requires the DWR, the SWRCB, and the CDFW to coordinate and integrate existing water and ecological data from local, state, and federal agencies.
- 2) Requires the DWR, in consultation with the CWQMC, the SWRCB, and the CDFW, to develop and submit to the legislature protocols for data sharing, documentation, quality control, and public access by January 1, 2018.
- 3) Permits the DWR to partner or enter into an agreement with a nonprofit organization, as defined, to create, operate, or maintain, or any combination thereof, the Platform.
- 4) Conditions the receipt of grant funding related to the improvement of water or ecological data on adherence to the protocols established.
- 5) Requires the DWR, in consultation with the CWQMC, the SWRCB, and the CDFW, to create and maintain the Platform by August 1, 2020, based on a specified schedule.
- 6) Delegates the California Department of Technology's (CDT) information technology (IT) role over implementation of IT projects related to the Platform to the DWR.
- 7) Specifies, at a minimum, the data that will be part of the integrated water data Platform.
- 8) Creates a Water Data Administration Fund. All moneys in the fund are available, upon appropriation, to the DWR, the SWRCB, or the CDFW, for the collection, management, and improvement of water and ecological data.

The Senate amendments:

- 1) Change the date from January 1, 2018, to August 1, 2020, by which the Platform must be available and creates a specified schedule for the availability of the Platform.
- 2) Delegate the CDT's role in the creation of the Platform to the DWR.
- 3) Remove the ability of a nonprofit which creates, operates, or maintains the Platform from receiving public funds.
- 4) Make technical changes to the administration of the Water Data Administration Fund, and other technical changes.

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.
- 4) Provides the authority to acquire IT goods and services in state government spread over three agencies, the Department of Finance, the CDT, the Department of General Services.

FISCAL EFFECT: According to the Senate Appropriations Committee this bill has:

- 1) One-time costs between \$750,000 and \$1.5 million to the DWR to develop the data platform, plus annual staffing costs of \$1.6 million to maintain and continue to develop the platform as it grows (General Fund).
- 2) Unknown, potentially significant, costs to the CDFW to consult with the DWR on required protocols, the required report, and the data platform.
- 3) Unknown, potentially significant, costs to the SWRCB to consult with the DWR on required protocols, the required report, and the data platform.
- 4) Unknown, potentially significant, costs to the CWQMC to consult with the DWR on required protocols, the required report, and the data platform.

COMMENTS: Local, state, and federal agencies in California keep numerous data sets on water ranging 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 would drive water policy innovation and likely produce many of the benefits that robust useable data have had on energy policy.

Analysis Prepared by: Ryan Ojakian / W., P., & W. / (916) 319-2096

FN: 0004678