

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN SENATE JUNE 13, 2016

AMENDED IN ASSEMBLY MAY 11, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

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,~~ *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 ~~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 ~~projects~~ *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* or ~~for certain other~~ *the* 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:

3
4 PART 4.9. THE OPEN AND TRANSPARENT WATER DATA
5 ACT

6
7 CHAPTER 1. GENERAL PROVISIONS

8
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

1 more effectively and help water users make informed decisions
2 based on water availability and allocation.

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

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

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

20 (e) Water data and ~~research that is~~ *information technology tools*
21 *and applications developed and* gathered using state funds should
22 be made publicly accessible. State delegation of data management
23 to contractors should not result in the public losing access to its
24 own information.

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

29 12402. Unless the context otherwise requires, the following
30 definitions govern the construction of this part:

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

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

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

35 (d) “State board” means the State Water Resources Control
36 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 ~~are to provide~~ *include, but are not limited to, providing* adequate information to implement the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720)), ~~improve~~ *improving* the management of the state’s water resources, and ~~bring~~ *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~~ *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 ~~agencies~~ *department* shall develop and submit to the Legislature, in compliance with Section 9795 of the Government Code and ~~before the establishment of a statewide integrated water data platform pursuant to Section 12410~~, 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~~ *agencies*, and interested stakeholders, including, but not limited to, technology and open data experts and water data users.

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

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

1 Article 2. Statewide Integrated Water Data Platform Creation

2
3 12410. (a) ~~The department~~ *department, in consultation with*
4 *the California Water Quality Monitoring Council, the state board,*
5 *and the Department of Fish and Wildlife,* shall create, operate, and
6 maintain a statewide integrated water data platform in accordance
7 with Section 12415 ~~by January 1, 2018.~~ *and the following schedule:*

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

10 (A) *Make public the protocols developed pursuant to Section*
11 *12406.*

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

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

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

20 (B) *The department shall quarterly add the information*
21 *described in subparagraph (A) not available as of September 1,*
22 *2019, that becomes available at a later date.*

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

27 (i) *The United States Bureau of Reclamation.*

28 (ii) *The United States Fish and Wildlife Service.*

29 (iii) *The National Oceanic and Atmospheric Administration.*

30 (iv) *The United States Geological Survey.*

31 (v) *The United States Forest Service.*

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

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

37 (b) *The department may partner with an existing nonprofit*
38 *organization, with a new nonprofit organization that the department*
39 *creates, organized under paragraph (3) of subsection (c) of Section*
40 *501 of Title 26 of the United States Code, or with another state*

1 agency to create, operate, or maintain, or any combination thereof,
 2 the platform.

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

10 ~~(d) A nonprofit organization that participates in creating,~~
 11 ~~operating, or maintaining the platform may receive public funds,~~
 12 ~~court-ordered mitigation funds, or other funds to assist in carrying~~
 13 ~~out the responsibilities for integrating and managing existing water~~
 14 ~~and ecological data as described in Section 12415.~~

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

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

22

23 Article 3. Statewide Integrated Water Data Platform Features

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25 12415. The statewide integrated water data platform created
 26 pursuant to Section 12410 shall, at a minimum, do all of the
 27 following:

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

32 ~~(b) Integrate, at a minimum, Integrate the following datasets:~~
 33 ~~datasets, as available:~~

34 (1) The department’s information on State Water Project
 35 reservoir operations, groundwater use, ~~and groundwater levels~~
 36 ~~through California Statewide Groundwater Elevation Monitoring~~
 37 ~~(CASGEM); levels, urban water use, and land use.~~

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

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

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

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

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

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

15 (d) Provide ~~clear and careful~~ documentation of data quality and
16 data formats through metadata.

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

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

21 ~~(g) Enable custom dashboards, visualizations, graphing, and
22 analysis.~~

23

24 CHAPTER 3. WATER DATA ADMINISTRATION FUND

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26 12420. (a) The Water Data Administration Fund is hereby
27 created. All moneys in the fund are available, upon appropriation,
28 to the department, the state board, or the Department of Fish and
29 Wildlife for the *collection, management, and* improvement of
30 ~~water data, for entering into an agreement with, or establishing, a~~
31 ~~nonprofit organization pursuant to Section 12410, or creating,~~
32 ~~operating, or maintaining the statewide integrated water data~~
33 ~~platform described in Section 12415, including the cost to verify~~
34 ~~data, and modernizing water information databases. and ecological~~
35 ~~data for the purposes of this part.~~

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

1 ~~12421. (a) (1) The department, the state board, or the~~
2 ~~Department of Fish and Wildlife may enter into an agreement to~~
3 ~~accept funds or services from any person, educational institution,~~
4 ~~government entity, corporation or other business entity, or~~
5 ~~organization for the maintenance, development, improvement, or~~
6 ~~enhancement of a designated agencies' data, decision support tools,~~
7 ~~or information technology projects. Under the direction of the~~
8 ~~respective agency, the funds or services received shall supplement,~~
9 ~~but not replace, existing resources for the maintenance,~~
10 ~~development, improvement, or enhancement of designated agency~~
11 ~~data, decision support tools, or information technology systems.~~
12 ~~The respective agency and the sponsoring or donating person,~~
13 ~~entity, government, or organization shall specify in the agreement~~
14 ~~the level of service that is to be performed.~~
15 ~~(b) Funds received pursuant to this section shall be deposited~~
16 ~~in the Water Data Administration Fund created pursuant to Section~~
17 ~~12420.~~