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I N S E N A T E

February 17, 2010

Introduced by Sen. STACHOWSKI -- read twice and ordered printed, and
when printed to be committed to the Committee on Commerce, Economic
Development and Small Business

AN ACT to amend the economic development law, in relation to establish-
ing the academic research information access act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Legislative findings. The public and private academic and
2 research libraries of New York individually license research and devel-
3 opment information resources, access to which is vitally important to
4 the furtherance of an innovation-based economy. The primary obstacles
5 limiting access to these information resources both at institutions of
6 higher education, and within the entrepreneurial community, are the high
7 cost of licensing agreements and restrictive contracts that inhibit
8 collaboration. New companies and emerging industries will be encouraged
9 to locate their business in New York state adding to state revenues that
10 are derived by the existence of such private and public sector commerce.
11 Therefore, it is in the best interests of the economic development and
12 higher education interests of this state to enact the academic research
13 information access act.

14 S 2. Short title. This act shall be known and may be cited as the
15 "academic research information access act".

16 S 3. Section 100 of the economic development law is amended by adding
17 two new subdivisions 32-a and 32-b to read as follows:

18 32-A. TO PROMOTE EFFICIENT UTILIZATION OF STATE RESOURCES FOR THE
19 PROCUREMENT OF INFORMATION, DATA AND CONTENT RESOURCES, FOR ACADEMIC,
20 RESEARCH AND COMMERCIAL INSTITUTIONS.

21 32-B. TO SECURE AGREEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND FOR-PROFIT
22 CORPORATIONS TO PROVIDE FOR THE PRODUCTIVE USE OF THE STATE RESOURCES
23 NEEDED TO ENHANCE TEACHING, LEARNING AND RESEARCH.

24 S 4. The economic development law is amended by adding a new article
25 17 to read as follows:

26 ARTICLE 17

27 ACADEMIC RESEARCH INFORMATION ACCESS

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

LBD15578-02-0

1 SECTION 350. ACADEMIC RESEARCH INFORMATION ACCESS.

2 S 350. ACADEMIC RESEARCH INFORMATION ACCESS. 1. THE DEPARTMENT, IN
3 COOPERATION WITH THE STATE UNIVERSITY OF NEW YORK AND THE NEW YORK STATE
4 BOARD OF REGENTS, SHALL ESTABLISH CONTRACTS AND LICENSES FOR THE
5 PROVISION OF PROPRIETARY ELECTRONIC RESOURCES, INCLUDING, BUT NOT LIMIT-
6 ED TO ACADEMIC, PROFESSIONAL AND INDUSTRY JOURNALS, REFERENCE HANDBOOKS
7 AND MANUALS, RESEARCH TRACKING TOOLS, INDEXES AND ABSTRACTS. THE BENE-
8 FICIARIES OF THESE INFORMATION RESOURCES WILL OPERATE PRIMARILY IN THE
9 FIELDS OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MEDICAL RESEARCH AND
10 DEVELOPMENT, AND INCLUDE RESEARCHERS, SCHOLARS, FACULTY AND STUDENTS AT
11 MEMBER AND ASSOCIATED INSTITUTIONS OF THE NEW YORK STATE HIGHER EDUCA-
12 TION INITIATIVE, AND RESEARCHERS, ENTREPRENEURS, OTHER INNOVATORS EXIST-
13 ING IN BUSINESS INCUBATORS ALIGNED WITH THE NEW YORK STATE HIGHER EDUCA-
14 TION INITIATIVE MEMBER AND ASSOCIATED INSTITUTIONS, RECIPIENTS OF GRANTS
15 FROM THE NEW YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNO-
16 VATIONS, THE EMPIRE STATE DEVELOPMENT CORPORATION, AND THE DIVISION FOR
17 SMALL-BUSINESS CURRENTLY SITUATED IN EMPIRE ZONES.

18 2. THE DEPARTMENT SHALL CREATE OR UTILIZE AN ADVISORY BOARD REPRESEN-
19 TATIVE OF THE ACADEMIC AND RESEARCH LIBRARIES FROM THE SMALL, MEDIUM AND
20 LARGE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN THE STATE
21 AND THE SMALL BUSINESS COMMUNITIES FOR THE EXPRESS PURPOSE OF MAKING
22 REGULAR RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE SELECTION AND
23 MAINTENANCE OF INFORMATION RESOURCES.

24 3. AGREEMENTS REACHED UNDER THE ACADEMIC RESEARCH INFORMATION ACCESS
25 PROGRAM SHALL BE NEGOTIATED BY A STANDING PUBLIC ENTITY THAT COMPLIES
26 WITH STATE PROCUREMENT CONTRACTING PROCEDURES AND IS SELECTED BY THE
27 ADVISORY BOARD PURSUANT TO A MEMORANDUM OF UNDERSTANDING AMONG THE NEW
28 YORK STATE HIGHER EDUCATION INITIATIVE, NYLINK, AND THE NEW YORK STATE
29 LIBRARY AND OTHER SUCH STANDING PUBLIC ENTITY AS NECESSARY. SUCH NEGOTI-
30 ATING ENTITY MAY, AS PART OF THE TERMS OF AN ADOPTED CONTRACT, BE
31 COMPENSATED FROM FUNDS APPROPRIATED FOR PURPOSES OF THIS SECTION.

32 4. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE
33 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

34 S 5. This act shall take effect on the one hundred eightieth day after
35 it shall have become a law; provided that, effective immediately, the
36 addition, amendment and/or repeal of any rule or regulation necessary
37 for the implementation of this act on its effective date are authorized
38 and directed to be made and completed on or before such effective date.