

7046--A

I N S E N A T E

April 25, 2012

Introduced by Sens. MARCELLINO, FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish the taxpayer access to publicly funded research 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 "taxpayer access to publicly funded research act".
3 S 2. (a) As used in this act, the term:
4 (i) "Agency" shall mean any executive branch agency, including, but
5 not limited to any agency, commission or authority;
6 (ii) "Direct research" shall mean research resulting directly from
7 proscribed grants from state agency funding for the purpose of specific
8 research undertakings; and
9 (iii) "Policy" shall mean the public access policy established pursuant
10 to subdivision (b) of this section.
11 (b) Each agency that provides funding for direct research shall develop
12 a public access policy that shall:
13 (i) Include a requirement that electronic versions of the author's
14 final manuscripts of original research papers that have been accepted
15 for publication in peer-reviewed journals and result from research
16 supported from funding by the state of New York, be submitted to such
17 funding agency;
18 (ii) Provide free online public access to such final peer-reviewed
19 manuscripts or published versions as soon as practicable but not later
20 than six months after publication in peer-reviewed journals;
21 (iii) Produce an online bibliography of all research papers that are
22 publicly accessible under the policy, with each entry linked to the
23 corresponding free online full text;
24 (iv) Provide for the long-term preservation of, and free access to,
25 published research findings in a stable digital repository maintained by
26 the agency or in any repository determined by the agency to meet these
27 conditions; and

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

LBD13740-04-2

1 (v) Be developed in conjunction with any other agencies that provide
2 funding for direct research or that underwrite the cost of facilities,
3 equipment, hardware, information resources, personnel or otherwise
4 fiscally support direct research.

5 (c) Such policy shall exclude:

6 (i) Research progress reports presented at professional meetings or
7 conferences;

8 (ii) Laboratory notes, preliminary data analyses, notes of the author,
9 phone logs or other information used to produce the final manuscript;

10 (iii) Classified research, research resulting in works that generate
11 revenue or royalties for the authors or patentable discoveries, to the
12 extent necessary to comply with copyright or patent protections; and

13 (iv) Authors who do not submit their work to a peer-reviewed journal
14 or works that are rejected for publication in such journals.

15 (d)(i) Not later than December 1, of each year, the head of each agen-
16 cy shall submit a report on such agency's policy to the governor, the
17 speaker of the assembly and the temporary president of the senate.

18 (ii) Such report shall include, but not be limited to:

19 (A) A statement of the effectiveness of the policy in providing the
20 public with free online access to papers on research funded by such
21 agency;

22 (B) A list of papers published in peer-reviewed journals that report
23 on research funded by such agency; and

24 (C) A corresponding list of papers made available by the agency as a
25 result of this act.

26 S 3. This act shall take effect one year after it shall have become a
27 law. Effective immediately, the addition, amendment and/or repeal of any
28 rule or regulation necessary for the implementation of this act on its
29 effective date is authorized to be made on or before such date.