

3736

2011-2012 Regular Sessions

I N   S E N A T E

March 2, 2011

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Introduced by Sen. ALESI -- 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 establishing the academic research information access act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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.

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

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1 S 4. The economic development law is amended by adding a new article  
2 18 to read as follows:

3 ARTICLE 18

4 ACADEMIC RESEARCH INFORMATION ACCESS

5 SECTION 360. ACADEMIC RESEARCH INFORMATION ACCESS.

6 S 360. ACADEMIC RESEARCH INFORMATION ACCESS. 1. THE DEPARTMENT, IN  
7 COOPERATION WITH THE STATE UNIVERSITY OF NEW YORK AND THE NEW YORK STATE  
8 BOARD OF REGENTS, SHALL ESTABLISH CONTRACTS AND LICENSES FOR THE  
9 PROVISION OF PROPRIETARY ELECTRONIC RESOURCES, INCLUDING, BUT NOT LIMIT-  
10 ED TO ACADEMIC, PROFESSIONAL AND INDUSTRY JOURNALS, REFERENCE HANDBOOKS  
11 AND MANUALS, RESEARCH TRACKING TOOLS, INDEXES AND ABSTRACTS. THE BENE-  
12 FICIARIES OF THESE INFORMATION RESOURCES WILL OPERATE PRIMARILY IN THE  
13 FIELDS OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MEDICAL RESEARCH AND  
14 DEVELOPMENT, AND INCLUDE RESEARCHERS, SCHOLARS, FACULTY AND STUDENTS AT  
15 MEMBER AND ASSOCIATED INSTITUTIONS OF THE NEW YORK STATE HIGHER EDUCA-  
16 TION INITIATIVE, AND OTHER INSTITUTIONS REGISTERED BY THE STATE EDUCA-  
17 TION DEPARTMENT OFFICE OF COLLEGE AND UNIVERSITY EVALUATION (OCUE) AND  
18 RESEARCHERS, ENTREPRENEURS, OTHER INNOVATORS EXISTING IN BUSINESS INCU-  
19 BATORS ALIGNED WITH THE NEW YORK STATE HIGHER EDUCATION INITIATIVE  
20 MEMBER AND ASSOCIATED INSTITUTIONS, RECIPIENTS OF GRANTS FROM THE NEW  
21 YORK STATE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATIONS, THE  
22 EMPIRE STATE DEVELOPMENT CORPORATION, AND OTHER BUSINESSES WITH FIFTY OR  
23 FEWER EMPLOYEES WHO OTHERWISE MEET THE DEFINITION OF A QUALIFIED EMERG-  
24 ING TECHNOLOGY COMPANY AS DEFINED BY PARAGRAPH (C) OF SUBDIVISION ONE OF  
25 SECTION THIRTY-ONE HUNDRED TWO-E OF THE PUBLIC AUTHORITIES LAW.

26 2. THE DEPARTMENT SHALL CREATE OR UTILIZE AN ADVISORY BOARD REPRESENT-  
27 TATIVE OF THE ACADEMIC AND RESEARCH LIBRARIES FROM THE SMALL, MEDIUM AND  
28 LARGE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN THE STATE  
29 AND THE SMALL BUSINESS COMMUNITIES FOR THE EXPRESS PURPOSE OF MAKING  
30 REGULAR RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE SELECTION AND  
31 MAINTENANCE OF INFORMATION RESOURCES.

32 3. AGREEMENTS REACHED UNDER THE ACADEMIC RESEARCH INFORMATION ACCESS  
33 PROGRAM SHALL BE NEGOTIATED BY A STANDING PUBLIC ENTITY THAT COMPLIES  
34 WITH STATE PROCUREMENT CONTRACTING PROCEDURES AND IS SELECTED BY THE  
35 ADVISORY BOARD PURSUANT TO A MEMORANDUM OF UNDERSTANDING AMONG THE NEW  
36 YORK STATE HIGHER EDUCATION INITIATIVE, AND THE NEW YORK STATE LIBRARY  
37 AND OTHER SUCH STANDING PUBLIC ENTITY AS NECESSARY. SUCH NEGOTIATING  
38 ENTITY MAY, AS PART OF THE TERMS OF AN ADOPTED CONTRACT, BE COMPENSATED  
39 FROM FUNDS APPROPRIATED FOR PURPOSES OF THIS SECTION.

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

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