

7046

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

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

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

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

(c) Such policy shall apply to:

(i) Researchers employed by an agency whose works may be in the public domain; and

(ii) Researchers funded and/or supported by any agency.

(d) Such policy shall exclude:

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

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

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

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

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

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

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

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

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

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