

5726--B

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I N A S S E M B L Y

February 19, 2009

Introduced by M. of A. GALEF, LAVINE, LATIMER, PAULIN, JAFFEE, KAVANAGH, ALFANO, FINCH, DESTITO, LUPARDO -- Multi-Sponsored by -- M. of A. BARRA, CHRISTENSEN, COOK, JOHN, MAYERSOHN, McENENY, ROBINSON, ROSENTHAL, SPANO -- read once and referred to the Committee on Governmental Operations -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public officers law, in relation to the ability of government agencies in New York to claim copyright protection

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

1 Section 1. Section 89 of the public officers law is amended by adding
2 a new subdivision 10 to read as follows:
3 10. ANY COPYRIGHT IN A RECORD PREPARED BY AN AGENCY THAT IS REQUIRED
4 TO BE DISCLOSED PURSUANT TO THE PROVISIONS OF THIS ARTICLE IS WAIVED,
5 EXCEPT WHERE THE RECORD REFLECTS ARTISTIC CREATION, SCIENTIFIC OR
6 ACADEMIC RESEARCH, OR IF THE AGENCY INTENDS TO DISTRIBUTE THE RECORD OR
7 A DERIVATIVE WORK BASED ON IT TO THE PUBLIC BY SALE OR OTHER TRANSFER OF
8 OWNERSHIP, OR BY RENTAL, LEASE, OR LICENSE. IF ANY OF THE FOREGOING
9 EXCEPTIONS APPLY, THE ENTITY FROM WHICH THE RECORD IS SOUGHT MAY IN ITS
10 DISCRETION ELECT TO WAIVE ANY SUCH COPYRIGHT.
11 S 2. This act shall take effect on the sixtieth day after it shall
12 have become a law.

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

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