S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. SCHIMMINGER, LUPARDO, MAGNARELLI, MILLMAN, PAULIN, J. RIVERA, FIELDS, KOON, ALFANO, ALESSI, HOYT, CARROZZA, GABRYSZAK, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BOYLAND, CHRISTENSEN, COLTON, DESTITO, GLICK, KOLB, LIFTON, V. LOPEZ -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the economic development law, in relation to establishing the academic research information access act, and making an appropriation therefor

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

Section 1. Short title. This act shall be known and may be cited as the "academic research information access act".

S 2. Legislative findings. The public and private academic and research libraries of New York individually license research and development information resources. Access to such resources is vitally important to the furtherance of an innovation-based economy. The primary obstacles limiting access to such information resources at institutions of higher education and within the entrepreneurial community, are the high cost of licensing agreements and restrictive contracts that inhibit collaboration. The application of public funding would allow expanded offerings of information resources while simultaneously increasing availability and access. Therefore, it is in the best interests of the economic development and higher education interests of this state to enact the academic research information access act.

S 3. Subdivision 31 of section 100 of the economic development law, as added by chapter 947 of the laws of 1968 and as renumbered by chapter 437 of the laws of 1983, is amended to read as follows:

31. to sponsor, foster and support research and to sponsor or conduct studies relating to science oriented industry and applied research AND TO PROMOTE THE BROAD AVAILABILITY OF THE INFORMATION RESOURCES REQUIRED

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

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FOR THE INNOVATION AND APPLICATION OF SCIENCE, TECHNOLOGY AND MEDICAL RESEARCH.

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

ARTICLE 17

ACADEMIC RESEARCH INFORMATION ACCESS

SECTION 350. GENERAL.
351. INFORMATION RESOURCES.
352. RESOURCE SELECTION.
353. CONTRACTUAL NEGOTIATIONS.
354. ADMINISTRATION.

S 350. GENERAL. THERE IS HEREBY ESTABLISHED AN ACADEMIC RESEARCH INFORMATION ACCESS (ARIA) PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT IN ORDER TO PROMOTE AND ENHANCE TEACHING, LEARNING AND RESEARCH FOR THE PURPOSE OF THE ECONOMIC ADVANCE OF THIS STATE. THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH PUBLIC AND NOT-FOR-PROFIT ORGANIZATIONS TO ESTABLISH AND MAINTAIN THE PROGRAM, AS PROVIDED IN THIS ARTICLE.

S 351. INFORMATION RESOURCES. THE DEPARTMENT, IN COOPERATION WITH THE STATE UNIVERSITY OF NEW YORK AND THE NEW YORK STATE BOARD OF REGENTS, SHALL ESTABLISH CONTRACTS AND LICENSES FOR THE PROVISION OF PROPRIETARY ELECTRONIC RESOURCES, INCLUDING, BUT NOT LIMITED TO ACADEMIC, PROFESSIONAL AND INDUSTRY JOURNALS, REFERENCE HANDBOOKS AND MANUALS, RESEARCH TRACKING TOOLS, INDEXES AND ABSTRACTS. THE BENEFICIARIES OF SUCH INFORMATION RESOURCES SHALL OPERATE PRIMARILY IN THE FIELDS OF SCIENCE, TECHNOLOGY AND MEDICAL RESEARCH AND DEVELOPMENT, AND INCLUDE RESEARCHERS, SCHOLARS, FACULTY AND STUDENTS AT MEMBER AND ASSOCIATE INSTITUTIONS OF THE NEW YORK STATE HIGHER EDUCATION INITIATIVE (NYSHEI), OTHER INSTITUTIONS REGISTERED BY THE STATE EDUCATION DEPARTMENT OFFICE OF COLLEGE AND UNIVERSITY EVALUATION (OCUE) AND RESEARCHERS, ENTREPRENEURS, OTHER INNOVATORS EXISTING IN BUSINESS INCUBATORS ALIGNED WITH NYSHEI MEMBER AND ASSOCIATE INSTITUTIONS, RECIPIENTS OF GRANTS FROM THE OFFICES OF THE NEW YORK STATE OFFICE OF SCIENCE, TECHNOLOGY AND ACADEMIC RESEARCH, EMPIRE STATE DEVELOPMENT CORPORATION, THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY AND BUSINESSES WITH FEWER THAN FIFTY EMPLOYEES CURRENTLY SITUATED IN APPROVED EMPIRE ZONES.

S 352. RESOURCE SELECTION. THE DEPARTMENT SHALL CREATE AN ADVISORY BOARD REPRESENTATIVE OF THE INTERESTS OF THE LIBRARIES FROM THE SMALL, MEDIUM AND LARGE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN NEW YORK STATE AND THE SMALL BUSINESS COMMUNITIES FOR THE EXPRESS PURPOSE OF MAKING REGULAR RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE SELECTION OF INFORMATION RESOURCES DESCRIBED IN SECTION THREE HUNDRED FIFTY-ONE OF THIS ARTICLE.

S 353. CONTRACTUAL NEGOTIATIONS. AGREEMENTS FUNDED BY ARIA SHALL BE NEGOTIATED BY A STANDING PUBLIC ENTITY THAT COMPLIES WITH STATE PROCUREMENT CONTRACTING PROCEDURES AND SELECTED BY THE ADVISORY BOARD PURSUANT TO A MEMORANDUM OF UNDERSTANDING AMONG NYSHEI, NYLINK, AND THE NEW YORK STATE LIBRARY AND OTHER SUCH STANDING PUBLIC ENTITIES AS NECESSARY.

S 354. ADMINISTRATION. OTHER SUCH TERMS AND CONDITIONS DEEMED NECESSARY FOR THE FULFILLMENT OF THE INTENT OF THIS ARTICLE SHALL BE PROMULGATED BY DEPARTMENT RULES AND REGULATIONS.

S 5. The sum of fifteen million dollars ($15,000,000), or so much thereof as may be necessary, is hereby appropriated to the department of economic development out of any moneys in the state treasury in the general fund to the credit of the general fund, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit

and warrant of the comptroller on vouchers certified or approved by the commissioner of economic development in the manner prescribed by law.

S 6. This act shall take effect immediately.