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

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I N A S S E M B L Y

February 1, 2010

Introduced by M. of A. SCHIMMINGER, LUPARDO, MAGNARELLI, MILLMAN, PAULIN, J. RIVERA, FIELDS, KOON, ALFANO, ALESSI, HOYT, CARROZZA, GABRYSZAK, ENGLEBRIGHT, STIRPE, CASTRO, DelMONTE, ESPAILLAT, GLICK, LIFTON, BING -- Multi-Sponsored by -- M. of A. BOYLAND, CHRISTENSEN, COLTON, DESTITO, JAFFEE, JOHN, KOLB, V. LOPEZ, MAISEL, MORELLE, PHEFFER, SPANO, ZEBROWSKI -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities 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:

Section 1. Legislative findings. The public and private academic and research libraries of New York individually license research and development information resources, access to which is vitally important to the furtherance of an innovation-based economy. The primary obstacles limiting access to these information resources both at institutions of higher education, and within the entrepreneurial community, are the high cost of licensing agreements and restrictive contracts that inhibit collaboration. New companies and emerging industries will be encouraged to locate their business in New York state adding to state revenues that are derived by the existence of such private and public sector commerce. 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 2. Short title. This act shall be known and may be cited as the "academic research information access act".

S 3. Subdivision 3 of section 3152 of the public authorities law is amended by adding two new paragraphs (o) and (p) to read as follows:

(O) TO PROMOTE EFFICIENT UTILIZATION OF STATE RESOURCES FOR THE PROCUREMENT OF INFORMATION, DATA AND CONTENT RESOURCES, FOR ACADEMIC, RESEARCH AND COMMERCIAL INSTITUTIONS.

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

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(P) TO SECURE AGREEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND FOR-PROFIT CORPORATIONS TO PROVIDE FOR THE PRODUCTIVE USE OF THE STATE RESOURCES NEEDED TO ENHANCE TEACHING, LEARNING AND RESEARCH.

S 4. The public authorities law is amended by adding a new section 3158-a to read as follows:

S 3158-A. ACADEMIC RESEARCH INFORMATION ACCESS. 1. THE BOARD, 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 THESE INFORMATION RESOURCES WILL OPERATE PRIMARILY IN THE FIELDS OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MEDICAL RESEARCH AND DEVELOPMENT, AND SHALL INCLUDE RESEARCHERS, SCHOLARS, FACULTY AND STUDENTS AT MEMBER AND ASSOCIATED INSTITUTIONS OF THE NEW YORK STATE HIGHER EDUCATION INITIATIVE, OTHER INSTITUTIONS REGISTERED BY THE STATE EDUCATION DEPARTMENT OFFICE OF COLLEGE AND UNIVERSITY EVALUATION (OCUE), RESEARCHERS, ENTREPRENEURS, AND OTHER INNOVATORS EXISTING IN BUSINESS INCUBATORS ALIGNED WITH THE NEW YORK STATE HIGHER EDUCATION INITIATIVE MEMBER AND ASSOCIATED INSTITUTIONS, AND RECIPIENTS OF GRANTS FROM THE FOUNDATION, THE URBAN DEVELOPMENT CORPORATION, OR THE DEPARTMENT OF ECONOMIC DEVELOPMENT, THAT ARE BUSINESSES WITH FIFTY OR FEWER EMPLOYEES WHO OTHERWISE MEET THE DEFINITION OF A QUALIFIED EMERGING TECHNOLOGY COMPANY AS DEFINED BY PARAGRAPH (C) OF SUBDIVISION ONE OF SECTION THIRTY-ONE HUNDRED TWO-E OF THE PUBLIC AUTHORITIES LAW.

2. THE BOARD SHALL CREATE OR UTILIZE AN ADVISORY BOARD REPRESENTATIVE OF THE ACADEMIC AND RESEARCH LIBRARIES FROM THE SMALL, MEDIUM AND LARGE PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AND THE SMALL BUSINESS COMMUNITIES FOR THE EXPRESS PURPOSE OF MAKING REGULAR RECOMMENDATIONS TO THE BOARD REGARDING THE SELECTION AND MAINTENANCE OF INFORMATION RESOURCES.

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

4. THE EXECUTIVE DIRECTOR SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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