

9162--A

I N A S S E M B L Y

January 31, 2012

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD13740-03-2

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

5 (c) Such policy shall exclude:

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

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

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

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

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

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

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

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

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

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