

180--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. HEVESI, PAULIN, PALMESANO, JAFFEE, STIRPE --
Multi-Sponsored by -- M. of A. SCHIMEL, SWEENEY -- read once and
referred to the Committee on Governmental Operations -- recommitted to
the Committee on Governmental Operations in accordance with Assembly
Rule 3, sec. 2 -- 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 pursuant
10 to subdivision (b) of this section.
11 (b) Each agency that provides funding for direct research shall develop
12 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 twelve months after publication in peer-reviewed journals;

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

LBD03226-05-4

1 (iii) Produce an online bibliography of all research papers that are
2 publicly accessible under the policy, with each entry linked to the
3 corresponding free online full text;
4 (iv) Provide for the long-term preservation of, and free access to,
5 published research findings in a stable digital repository maintained by
6 the agency or in any repository determined by the agency to meet these
7 conditions; and
8 (v) Be developed in conjunction with any other agencies that provide
9 funding for direct research or that underwrite the cost of facilities,
10 equipment, hardware, information resources, personnel or otherwise
11 fiscally support direct research.
12 (c) Such policy shall exclude:
13 (i) Research progress reports presented at professional meetings or
14 conferences;
15 (ii) Laboratory notes, preliminary data analyses, notes of the author,
16 phone logs or other information used to produce the final manuscript;
17 (iii) Classified research, research resulting in works that generate
18 revenue or royalties for the authors or patentable discoveries, to the
19 extent necessary to comply with copyright or patent protections; and
20 (iv) Authors who do not submit their work to a peer-reviewed journal
21 or works that are rejected for publication in such journals.
22 (d)(i) Not later than December 1, of each year, the head of each agen-
23 cy shall submit a report on such agency's policy to the governor, the
24 speaker of the assembly and the temporary president of the senate.
25 (ii) Such report shall include, but not be limited to:
26 (A) A statement of the effectiveness of the policy in providing the
27 public with free online access to papers on research funded by such
28 agency;
29 (B) A list of papers published in peer-reviewed journals that report
30 on research funded by such agency; and
31 (C) A corresponding list of papers made available by the agency as a
32 result of this act.
33 S 3. This act shall take effect one year after it shall have become a
34 law. Effective immediately, the addition, amendment and/or repeal of any
35 rule or regulation necessary for the implementation of this act on its
36 effective date is authorized to be made on or before such date.