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

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:

Section 1. Short title. This act shall be known and may be cited as the "taxpayer access to publicly funded research act".

S 2. (a) As used in this act, the term:

(i) "Agency" shall mean any executive branch agency, including, but not limited to any agency, commission or authority;

(ii) "Direct research" shall mean research resulting directly from proscribed grants from state agency funding for the purpose of specific research undertakings; and

(iii) "Policy" shall mean the public access policy established pursuant to subdivision (b) of this section.

(b) Each agency that provides funding for direct research shall develop a public access policy that shall:

(i) Include a requirement that electronic versions of the author's final manuscripts of original research papers that have been accepted for publication in peer-reviewed journals and result from research supported from funding by the state of New York, be submitted to such funding agency;

(ii) Provide free online public access to such final peer-reviewed manuscripts or published versions as soon as practicable but not later 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.

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(iii) Produce an online bibliography of all research papers that are publicly accessible under the policy, with each entry linked to the corresponding free online full text;

(iv) Provide for the long-term preservation of, and free access to, published research findings in a stable digital repository maintained by the agency or in any repository determined by the agency to meet these conditions; and

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

(c) Such policy shall exclude:

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

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

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

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

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

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

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

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

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

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