

ASSEMBLY BILL

No. 609

Introduced by Assembly Member Nestande

February 20, 2013

An act to add Chapter 2.5 (commencing with Section 13989) to Part 4.5 of Division 3 of Title 2 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 609, as introduced, Nestande. State-funded research.

Existing law authorizes the Department of General Services to carry out various powers and duties relating to assisting a state agency in the management and development of intellectual property developed by state employees or with state funding, including, among other duties, developing a database of state-owned intellectual property using specified data.

Existing law authorizes state agencies and departments to, upon request, share records and information related to intellectual property generated by state employees or with state funding with the department. Existing law also imposes certain restrictions on employees and former employees of the department with respect to divulging certain information provided by state agencies and departments regarding intellectual property.

This bill would enact the California Taxpayer Access to Publicly Funded Research Act. The bill, notwithstanding any other law, would require a state agency that provides funding for research resulting directly from proscribed grants from state agency funding for the purpose of specific research undertaking to develop a public access policy. The bill would require the public access policy to, among other

things, include a requirement that electronic versions of final manuscripts of original research papers accepted for publication to be submitted to the state agency and provide free online public access to such final peer-reviewed manuscripts or published versions, as specified.

This bill would, until January 1, 2018, require, not later than December 1, that each state agency to submit an annual report on the state agency’s public access policy to the Governor, the Senate Committee on Rules, and the Speaker of the Assembly.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 2.5 (commencing with Section 13989)
2 is added to Part 4.5 of Division 3 of Title 2 of the Government
3 Code, to read:

4
5 CHAPTER 2.5. STATE-FUNDED RESEARCH

6
7 13989. This act shall be known and may be cited as the
8 California Taxpayer Access to Publicly Funded Research Act.

9 13989.2. For purposes of this chapter, the following definitions
10 shall apply:

11 (a) “State agency” shall mean an entity within the executive
12 branch, including, but not limited to, all departments, boards,
13 bureaus, commissions, councils, and offices.

14 (b) “Direct research” shall mean research resulting directly from
15 proscribed grants from state agency funding for the purpose of
16 specific research undertakings.

17 (c) “Policy” shall mean the public access policy established
18 pursuant to subdivision (b).

19 13989.4. (a) Notwithstanding any other law, each state agency
20 that provides funding for direct research shall develop a public
21 access policy that shall do the following:

22 (1) Include a requirement that electronic versions of the author’s
23 final manuscripts of original research papers that have been
24 accepted for publication in peer-reviewed journals and result from
25 research supported from state agency funding, be submitted to the
26 funding state agency.

1 (2) Provide free online public access to such final peer-reviewed
2 manuscripts or published versions as soon as practicable, but not
3 later than six months after publication in peer-reviewed journals.

4 (3) To the extent in compliance with copyright or patent
5 protection, produce an online bibliography of all research papers
6 that are publicly accessible under the policy, with each entry linked
7 to the corresponding free online full text.

8 (4) Provide for the long-term preservation of, and free access
9 to, published research findings in a stable digital repository
10 maintained by the state agency or in any repository determined by
11 the state agency to meet these conditions.

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

16 (b) The policy described in subdivision (a) shall exclude all of
17 the following:

18 (1) Research progress reports presented at professional meetings
19 or conferences.

20 (2) Laboratory notes, preliminary data analyses, notes of the
21 author, phone logs, or other information used to produce the final
22 manuscript.

23 (3) Classified research, research resulting in works that generate
24 revenue or royalties for the authors, or patentable discoveries, to
25 the extent necessary to comply with copyright or patent protections.

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

28 (5) State-funded research entered into pursuant to a contract
29 prior to the effective date of this chapter where the terms and
30 conditions of that contract prohibit the public dissemination of the
31 research.

32 (6) Any data that has the potential to reveal a person's identity.
33 13989.6. (a) Not later than December 1, annually, each state
34 agency shall submit a report on the state agency's policy to the
35 Governor, the Senate Committee on Rules, and the Speaker of the
36 Assembly.

37 (b) The report shall include, but not be limited to, all of the
38 following:

- 1 (1) A statement of the effectiveness of the policy in providing
- 2 the public with free online access to papers on research funded by
- 3 such agency.
- 4 (2) A list of papers published in peer-reviewed journals that
- 5 report on research funded by such agency.
- 6 (3) A corresponding list of papers made available by the state
- 7 agency as a result of this act.
- 8 (c) (1) A report to the Legislature pursuant to this section, shall
- 9 be submitted in compliance with Section 9795.
- 10 (2) This section shall become inoperative on January 1, 2018,
- 11 pursuant to Section 10231.5.