



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1900

Introduced 2/15/2013, by Sen. Daniel Biss

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Open Access to Research Articles Act. Provides that no later than 12 months after the effective date of the Act, each public institution of higher education shall develop an open access to research articles policy. Provides that all public institutions of higher education shall develop policies that provide for the submission, by all faculty employed by the public institution of higher education, to the employing institution of an electronic version of the author's final manuscript of original research papers upon acceptance by a scholarly research journal; the incorporation of certain changes and replacements regarding the manuscript; free online public access to the final peer-reviewed manuscripts or published versions upon publication; an irrevocable, worldwide copyright license granted by the author to the public; production of an online bibliography of all research papers that are publicly accessible; and long-term preservation of, and free public access to, published research articles. Sets forth provisions concerning applicability, other policy requirements, and reporting requirements.

LRB098 09377 RPM 39518 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Open  
5 Access to Research Articles Act.

6 Section 5. Purpose. The General Assembly finds and declares  
7 the following:

8 (1) to maximize the social and economic benefits of  
9 research to the public, the published research articles  
10 produced by faculty at public institutions of higher  
11 education should be made as widely available as possible;

12 (2) the public support these employees receive and the  
13 increased impact that broad public dissemination of  
14 research has is an important public purpose;

15 (3) many public institutions of higher education have  
16 developed, or are developing, the capacity to provide free  
17 access over the Internet to such research through  
18 institutional repositories or otherwise; and

19 (4) a substantial portion of the research currently is  
20 not freely available over the Internet because the faculty  
21 have entered into publication agreements with terms that  
22 restrict public access to the fruits of unclassified  
23 research conducted by these State employees.

1           Section 10. Definitions. In this Act, "public institution  
2 of higher education" means the University of Illinois; Southern  
3 Illinois University; Chicago State University; Eastern  
4 Illinois University; Governors State University; Illinois  
5 State University; Northeastern Illinois University; Northern  
6 Illinois University; Western Illinois University; the public  
7 community colleges of this State; or any other public  
8 university, college, or community college now or hereafter  
9 established or authorized by the General Assembly.

10           Section 15. Open access to research articles.

11           (a) No later than 12 months after the effective date of  
12 this Act, each public institution of higher education shall  
13 develop an open access to research articles policy.

14           (b) All public institutions of higher education shall  
15 develop policies that provide for the following:

16           (1) the submission, by all faculty employed by the  
17 public institution of higher education, to the employing  
18 institution (or to an institution designated by the  
19 employing institution) of an electronic version of the  
20 author's final manuscript of original research papers upon  
21 acceptance by a scholarly research journal, including  
22 peer-reviewed journals and related publications used by  
23 researchers to disseminate the results of their  
24 institution-affiliated research;

1           (2) the incorporation of all changes resulting from any  
2 peer review occurring during the publication process;

3           (3) the replacement of the final manuscript with the  
4 final published version if:

5                 (A) the publisher consents to the replacement; and

6                 (B) the goals of the policy for functionality and  
7 interoperability are retained;

8           (4) free online public access to the final  
9 peer-reviewed manuscripts or published versions  
10 immediately upon publication in a peer-reviewed journal;

11           (5) an irrevocable, worldwide copyright license  
12 granted by the author to the public that permits any use of  
13 an article on condition that the author and original  
14 publisher are attributed as such and that any such  
15 attribution is not made in a way that implies endorsement  
16 of the use by the author or original publisher;

17           (6) production of an online bibliography of all  
18 research papers that are publicly accessible under the  
19 policy, with each entry linking to the corresponding free,  
20 online full text; and

21           (7) long-term preservation of, and free public access  
22 to, published research articles:

23                 (A) in a stable digital repository maintained by  
24 the employing institution; or

25                 (B) if consistent with the purposes of the  
26 employing agency, in any repository meeting conditions

1           determined favorable by the employing institution,  
2           including free public access, interoperability, and  
3           long-term preservation.

4           (c) Each public institution of higher education's open  
5           access to research articles policy shall do the following:

6           (1) apply to:

7           (A) all full-time faculty employed by the public  
8           institution of higher education; and

9           (B) all researchers employed by the public  
10          institution of higher education, but whose work is  
11          funded by a federal agency; and

12          (2) make effective use of any law or guidance relating  
13          to the creation and reservation of a government license  
14          that provides for the reproduction, publication, release,  
15          or other uses of a final manuscript for federal purposes.

16          Works described under clause (B) of subdivision (1) of this  
17          subsection (c) shall be made available at the same time the  
18          works are made available under subdivision (4) of subsection  
19          (b) of this Section.

20          (d) Each public institution of higher education's open  
21          access to research articles policy shall not apply to the  
22          following:

23          (1) research progress reports presented at  
24          professional meetings or conferences;

25          (2) laboratory notes, preliminary data analyses, notes  
26          of the author, phone logs, or other information used to

1 produce final manuscripts;

2 (3) classified research, research resulting in works  
3 that generate revenue or royalties for authors (such as  
4 books), or patentable discoveries, to the extent necessary  
5 to protect a patentable invention; or

6 (4) authors who do not submit their work to a journal  
7 or works that are rejected for publication by journals.

8 (e) Nothing in this Act shall be construed to affect any  
9 right under the provisions of Title 17 or 35 of the United  
10 States Code.

11 (f) The reporting requirements under this Act are as  
12 follows:

13 (1) Not later than October 1 of each year, a designated  
14 representative of each public institution of higher  
15 education shall submit a report on the public institution  
16 of higher education's open access to research articles  
17 policy to the following:

18 (A) the House of Representatives' Higher Education  
19 Committee and the Senate's Higher Education Committee;  
20 and

21 (B) any other committee of the General Assembly of  
22 appropriate jurisdiction.

23 (2) Each report under this subsection (f) shall include  
24 the following:

25 (A) a statement of the effectiveness of the open  
26 access to research articles policy in providing the

1 public with free online access to papers produced by  
2 faculty at the public institution of higher education;

3 (B) a list of papers published in peer-reviewed  
4 journals produced by faculty at the public institution  
5 of higher education;

6 (C) a corresponding list of papers made available  
7 by the public institution of higher education as a  
8 result of the open access to research articles policy;  
9 and

10 (D) a summary of the periods of time between public  
11 availability of each paper in a journal and in the  
12 online repository of the public institution of higher  
13 education.

14 (3) The public institution of higher education shall  
15 make the statement under subparagraph (A) of paragraph (2)  
16 of this subsection (f) and the lists of papers under  
17 subparagraphs (B) and (C) of paragraph (2) of this  
18 subsection (f) available to the public by posting the  
19 statement and lists on the Internet website of the public  
20 institution of higher education.