



Sen. Daniel Biss

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1 AMENDMENT TO SENATE BILL 1900

2 AMENDMENT NO. _____. Amend Senate Bill 1900 by replacing
3 everything after the enacting clause with the following:

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 universities should be made
11 as widely available as possible, wide availability
12 referring both to the depth of availability of a given
13 research article (including immediate availability where
14 practicable, long-term preservation and free public
15 access, and broad accessibility for reuse and further
16 research) and the breadth of research articles made

1 available;

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

5 (3) many public universities have developed, or are
6 developing, the capacity to provide free access over the
7 Internet to such research through institutional
8 repositories or otherwise; and

9 (4) a substantial portion of the research currently is
10 not freely available over the Internet because the faculty
11 have entered into publication agreements with terms that
12 restrict public access to the fruits of unclassified
13 research conducted by these State employees.

14 Section 10. Definitions. In this Act, "public university"
15 means the University of Illinois; Southern Illinois
16 University; Chicago State University; Eastern Illinois
17 University; Governors State University; Illinois State
18 University; Northeastern Illinois University; Northern
19 Illinois University; Western Illinois University; or any other
20 public university or college now or hereafter established or
21 authorized by the General Assembly.

22 Section 15. Task forces.

23 (a) By January 1, 2014, each public university shall
24 establish an Open Access to Research Task Force. Each task

1 force shall be appointed by the chairperson of the board of
2 trustees for the public university, with the advice and consent
3 of that board. Each task force shall include, without
4 limitation, members representing the university's library,
5 members representing faculty, including, where applicable, a
6 labor organization that represents faculty at the public
7 university, and members representing university
8 administration. In the instance of public universities that
9 have multiple campuses, each campus shall have representation
10 on the task force. The task force shall review current
11 practices and design a proposed policy regarding open access to
12 research articles, based on criteria that are specific to each
13 public university's needs.

14 (b) Each task force shall (i) consider how the public
15 university can best further the open access goals laid out in
16 this Act, whether by creation of an open access policy for the
17 public university, creation of an open access policy for the
18 State, or some other mechanism; (ii) review how peer
19 institutions and the federal government are addressing issues
20 related to open access and ensure that any institutional or
21 statewide policies are consistent with steps taken by federal
22 grant-making agencies; and (iii) consider academic, legal,
23 ethical, and fiscal ramifications of and questions regarding an
24 open access policy, including but not limited to the following:

25 (1) the question of how to preserve the academic
26 freedom of scholars to publish as they wish while still

1 providing public access to research;

2 (2) the design of a copyright policy that meets the
3 needs of the public as well as of authors and publishers;

4 (3) the design of reporting, oversight, and
5 enforcement mechanisms;

6 (4) the cost of maintaining and, where applicable,
7 creating, institutional repositories;

8 (5) the potential for collaboration between public
9 universities regarding the use and maintenance of
10 repositories;

11 (6) the potential use of existing scholarly
12 repositories;

13 (7) the fiscal feasibility and benefits and drawbacks
14 to researchers of institutional support for Gold open
15 access fees (where publication costs are covered by author
16 fees rather than by subscription or advertising fees);

17 (8) the differences between academic and publishing
18 practices in different fields and the manner in which these
19 differences should be reflected in an open access policy;

20 (9) the determination of which version of a research
21 article should be made publicly accessible; and

22 (10) the determination of which researchers and which
23 research ought to be covered by an open access policy,
24 including, but not limited to, the question of whether a
25 policy should cover theses and dissertations written by
26 students at public institutions; research conducted by

1 employees of State agencies; research supported by State
2 grants, but not conducted by employees of public
3 institutions or State agencies; research materials
4 digitized using State funding; data collected by covered
5 researchers; research conducted by faculty at institutions
6 that receive Monetary Award Program grants under Section 35
7 of the Higher Education Student Assistance Act; research
8 conducted by part-time, adjunct, or other non-permanent
9 faculty; research at least one of whose co-authors is
10 covered by the policy; research progress reports presented
11 at professional meetings or conferences; laboratory notes,
12 preliminary data analyses, notes of the author, phone logs,
13 or other information used to produce final manuscripts; or
14 classified research, research resulting in works that
15 generate revenue or royalties for authors (such as books),
16 or patentable discoveries.

17 (c) Each task force shall conduct open meetings with
18 advance notice and shall allow individuals to address the task
19 force regarding open access issues.

20 (d) On or before January 1, 2015, each task force shall
21 adopt a report setting forth its findings and recommendations.
22 These recommendations shall include a detailed description of
23 any open access policy the task force recommends that the
24 public university or State adopt, as well as, in the case of
25 the public university, a plan for implementation. This report
26 must be approved by a majority of the appointed task force

1 members. A task force may also issue minority reports. Each
2 report shall be submitted to the board of trustees of the
3 respective public university, the Board of Higher Education,
4 both chambers of the General Assembly, and the Governor. The
5 Board of Higher Education shall publish, on its Internet
6 website, a list of all public universities subject to this Act.
7 The list shall indicate which public universities have
8 submitted the report required pursuant to this subsection (d).

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".