

1 ENGROSSED HOUSE
2 BILL NO. 3828

By: Alonso-Sandoval, Pae, and
Provenzano of the House

3 and

4 Rader of the Senate

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8 [state government - definitions - Office of
9 Management and Enterprise Services - inventory -
10 information - ongoing assessments - artificial
11 intelligence systems - policies and procedures -
12 Administrative Office of the Courts - codification
13 - effective date]
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16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 10101 of Title 74, unless there
19 is created a duplication in numbering, reads as follows:

20 As used in this act:

21 1. "Artificial intelligence" means:

22 a. an artificial system that:

23 (1) performs tasks under varying and unpredictable

24 circumstances without significant human oversight

1 or can learn from experience and improve such
2 performance when exposed to data sets,

3 (2) is developed in any context, including, but not
4 limited to, software or physical hardware, and
5 solves tasks requiring human-like perception,
6 cognition, planning, learning, communication or
7 physical action, or

8 (3) is designed to:

9 (a) think or act like a human, including, but
10 not limited to, a cognitive architecture or
11 neural network, or

12 (b) act rationally, including, but not limited
13 to, an intelligent software agent or
14 embodied robot that achieves goals using
15 perception, planning, reasoning, learning,
16 communication, decision-making or action, or

17 b. a set of techniques, including, but not limited to,
18 machine learning, that is designed to approximate a
19 cognitive task; and

20 2. "State agency" means each department, board, council,
21 commission, institution, or other agency of the executive branch of
22 the state government, provided each board, council, commission,
23 institution, or other agency included by law within any given
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1 department shall be deemed a division of that department. The term
2 "state agency" shall include:

- 3 a. the offices of the Governor, Lieutenant Governor,
4 Treasurer, Attorney General, Secretary of State and
5 Comptroller, and
- 6 b. all operations of an executive branch agency which are
7 funded by either the General Revenue Fund or a special
8 fund.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 10102 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Not later than December 31, 2024, and annually thereafter,
13 the Office of Management and Enterprise Services (OMES) shall
14 conduct an inventory of all systems that employ artificial
15 intelligence and are in use by any state agency that uses OMES's
16 services. Any agency that does not use OMES's services shall
17 conduct their own inventory. Each such inventory shall include at a
18 minimum the following information for each such system:

- 19 1. The name of such system and the vendor, if any, that
20 provided such system;
- 21 2. A description of the general capabilities and uses of such
22 system;
- 23 3. Whether such system was used to independently make, inform,
24 or materially support a conclusion, decision, or judgment; and

1 4. Whether such system underwent an impact assessment prior to
2 implementation.

3 B. The Office of Management and Enterprise Services or agencies
4 that do not use OMES's services shall make each inventory conducted
5 pursuant to subsection A of this section publicly available on their
6 website.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 10103 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Beginning on February 1, 2025, the Office of Management and
11 Enterprise Services (OMES) or any agency that does not use OMES's
12 services shall perform ongoing assessments of systems that employ
13 artificial intelligence and are in use by state agencies to ensure
14 that no such system shall result in any unlawful discrimination or
15 disparate impact described in subsection B of this section.

16 B. Not later than February 1, 2025, the Office of Management
17 and Enterprise Services shall develop and establish policies and
18 procedures concerning the development, procurement, implementation,
19 utilization, and ongoing assessment of systems that employ
20 artificial intelligence and are in use by state agencies. Such
21 policies and procedures shall, at a minimum, include policies and
22 procedures that:

23 1. Govern the procurement, implementation, and ongoing
24 assessment of such systems by state agencies;

1 2. Are sufficient to ensure that no such system:

2 a. results in any unlawful discrimination against any
3 individual or group of individuals, or

4 b. has any unlawful disparate impact on any individual or
5 group of individuals on the basis of any actual or
6 perceived differentiating characteristics, including,
7 but not limited to, age, genetic information, color,
8 ethnicity, race, creed, religion, national origin,
9 ancestry, sex, gender identity or expression, sexual
10 orientation, marital status, familial status,
11 pregnancy, veteran status, disability, or lawful
12 source of income;

13 3. Require a state agency to assess the likely impact of any
14 such system before implementing such system; and

15 4. Provide for the Office of Management and Enterprise Services
16 or any agency that does not use OMES's services to perform ongoing
17 assessments of such systems to ensure that no such system results in
18 any unlawful discrimination or disparate impact described in
19 paragraph 2 of this subsection.

20 C. The Office of Management and Enterprise Services may revise
21 policies and procedures established in this act if such revision is
22 deemed necessary by the Executive Director.

23 D. The Office of Management and Enterprise Services shall post
24 policies and procedures established pursuant to this act and any

1 revision made to such policies and procedures pursuant to subsection
2 C on the agency's website.

3 E. Beginning on February 1, 2025, no state agency shall
4 implement any system that employs artificial intelligence:

5 1. Unless the state agency has performed an impact assessment,
6 in accordance with the policies and procedures established pursuant
7 to this act, to ensure that such system will not result in any
8 unlawful discrimination or disparate impact described herein; or

9 2. If the head of such state agency determines, at his or her
10 discretion, that such system will result in any unlawful
11 discrimination or disparate impact described in this act.

12 SECTION 4. This act shall become effective November 1, 2024.

13 Passed the House of Representatives the 13th day of March, 2024.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2024.

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Presiding Officer of the Senate

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