

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 3828

By: Alonso-Sandoval

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6 AS INTRODUCED

7 An Act relating to state government; providing
8 definitions; directing the Office of Management and
9 Enterprise Services to conduct certain inventory;
10 providing required information; directing inventory
11 to be made publicly available; directing certain
12 ongoing assessments be made of artificial
13 intelligence systems; directing for development of
14 certain policies and procedures; requiring certain
15 policies be included; permitting revision of policies
16 and procedures; requiring policies and procedures be
17 posted; prohibiting the implementation of artificial
18 intelligence without following certain procedures or
19 determinations; requiring the Administrative Office
20 of the Courts to conduct certain inventory; providing
21 for codification; and providing an effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

As used in this act:

1. "Artificial intelligence" means:

a. an artificial system that:

(1) performs tasks under varying and unpredictable

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
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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
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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 their
10 discretion, that such system will result in any unlawful
11 discrimination or disparate impact described in this act.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 10104 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 A. 1. Not later than December 31, 2024, and annually
16 thereafter, the Administrative Office of the Courts shall conduct an
17 inventory of the departments' systems that employ artificial
18 intelligence. Each such inventory shall include at a minimum the
19 following information for each such system:

20 a. the name of such system and the vendor, if any, that
21 provided such system,

22 b. a description of the general capabilities and uses of
23 such system,

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- 1 c. whether such system was used to independently make,
2 inform, or materially support a conclusion, decision,
3 or judgment, and
4 d. whether such system underwent an impact assessment
5 prior to implementation.

6 2. The Administrative Office of the Courts shall make each
7 inventory conducted pursuant to this act publicly available on the
8 Oklahoma Supreme Court's website.

9 B. 1. Not later than February 1, 2024, The Administrative
10 Office of the Courts shall develop and establish policies and
11 procedures concerning the departments' development, procurement,
12 implementation, utilization, and ongoing assessment of systems that
13 employ artificial intelligence. Such policies and procedures shall,
14 at a minimum, include policies and procedures that:

- 15 a. govern the departments' procurement, implementation,
16 and ongoing assessment of such systems,
17 b. are sufficient to ensure that no such system:
18 (1) results in any unlawful discrimination against
19 any individual or group of individuals, or
20 (2) has any unlawful disparate impact on any
21 individual or group of individuals on the basis
22 of any actual or perceived differentiating
23 characteristics, including, but not limited to,
24 age, genetic information, color, ethnicity, race,
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1 creed, religion, national origin, ancestry, sex,
2 gender identity or expression, sexual
3 orientation, marital status, familial status,
4 pregnancy, veteran status, disability, or lawful
5 source of income,

- 6 c. require the department to assess the likely impact of
7 any such system before implementing such system, and
8 d. provide for ongoing assessments of such systems to
9 ensure that no such system results in any unlawful
10 discrimination or disparate impact described in this
11 act.

12 2. The Administrative Office of the Courts may revise the
13 policies and procedures established pursuant to this act if the
14 Administrative Director of the Courts determines, in said Director's
15 discretion, that such revision is necessary.

16 3. The Administrative Office of the Courts shall post the
17 policies and procedures established pursuant to this act and any
18 revisions made to such policies and procedures pursuant to paragraph
19 2 of this subsection on the Oklahoma Supreme Court's website.

20 C. Beginning on February 1, 2025, the Administrative Office of
21 the Courts shall:

22 1. Not implement any system that employs artificial
23 intelligence:

- 1 a. unless the department has performed an impact
2 assessment, in accordance with the policies and
3 procedures established pursuant to this act, to ensure
4 that such system will not result in any unlawful
5 discrimination or disparate impact, or
6 b. if the Administrative Director of the Courts
7 determines, in said Director's discretion, that such
8 system will result in any unlawful discrimination or
9 disparate impact; and

10 2. Perform ongoing assessments of the departments' systems that
11 employ artificial intelligence to ensure that no such system shall
12 result in any unlawful discrimination or disparate impact.

13 SECTION 5. This act shall become effective November 1, 2024.

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