

STATE OF NEW YORK

7112

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the executive law, in relation to creating the office of emerging technology and providing for its functions and duties

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The executive law is amended by adding a new article 49-C
2 to read as follows:

ARTICLE 49-C

OFFICE OF EMERGING TECHNOLOGY

Section 996-a. Office of emerging technology.

996-b. Functions, powers and duties of the office.

7 § 996-a. Office of emerging technology. 1. The office of emerging
8 technology is hereby created within the executive department to have and
9 exercise the functions, powers and duties provided by the provisions of
10 this article and any other provision of law. For purposes of this arti-
11 cle, "the office" means the office of emerging technology.

12 2. The office shall be governed by a board consisting of the following
13 thirteen members to be appointed as follows for two year terms:

14 (a) the director, who shall be appointed by the governor with the
15 consent and approval of the senate;

16 (b) six members appointed by the temporary president of the senate,
17 including three from the majority party and three from the minority
18 party; and

19 (c) six members appointed by the speaker of the assembly, including
20 three from the majority party and three from the minority party.

21 3. Each member shall have expertise and experience related to at least
22 one of the following fields, disciplines, or areas:

23 (a) the use and function of both existing and emerging technology;

24 (b) data privacy and data security;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (c) civil rights, civil liberties, and due process and procedural
2 rights; and

3 (d) legal representation of low-income individuals.

4 4. The director shall not act in any capacity for, any organization,
5 agency, or institutions with which the office makes any contract or
6 other arrangement under this article.

7 5. The board shall meet at least four times each year and may estab-
8 lish its own rules and procedures concerning the conduct of its meetings
9 and other affairs not inconsistent with law.

10 § 996-b. Functions, powers and duties of the office. 1. The basic
11 function of the office shall be to act as the official state planning
12 and coordinating office for changes in policy, practice and allocation
13 of state resources around emerging technologies, to advise and assist
14 the state agencies in developing policies, plans and programs around
15 emerging technologies, and to provide early indications of beneficial
16 and adverse impacts of the applications of emerging technology and to
17 develop and coordinate information which may assist the legislature and
18 the state in responding to emerging technologies. In carrying out such
19 function, the office shall:

20 (a) Identify existing or probable impacts of emerging technology or
21 technological programs.

22 (b) Where possible, ascertain cause-and-effect relationships of the
23 use of emerging technologies.

24 (c) Identify alternative technological methods of implementing specif-
25 ic programs.

26 (d) Identify alternative programs for achieving requisite goals.

27 (e) Examine current and proposed laws, rules, regulations, programs
28 and policies relating to the use of emerging technologies.

29 (f) Examine currently available emerging technologies and evaluate
30 their effectiveness, efficacy and accuracy, provided that such evalu-
31 ation shall include the use of representative datasets according to
32 targeted populations, and disaggregated testing for demographic
33 subgroups by age, gender identity, and race.

34 (g) Propose a comprehensive framework of recommendations for legis-
35 lation, regulations and standards regarding the use of such emerging
36 technologies, if deemed appropriate including but not limited to:

37 (i) permissible uses and purposes for use;

38 (ii) prohibited uses and purposes for use;

39 (iii) minimum standards for accuracy that emerging technologies must
40 achieve in order to be authorized for use by the state and/or public,
41 and auditing requirements to ensure compliance with those standards;

42 (iv) standards for use, management, and protection of information
43 derived from the use of emerging technology, including but not limited
44 to data retention, sharing, access and audit trails;

45 (v) rigorous protections for due process, privacy, free speech and
46 association, and racial, gender, and religious equity;

47 (vi) training requirements for state personnel authorized to use
48 emerging technology;

49 (vii) procedures to address instances in which a person is wrongfully
50 harmed based on inaccurate information derived from use of an emerging
51 technology; and

52 (viii) disclosure requirements for broad public transparency as well
53 as discovery procedures.

54 (h) Evaluate potential benefits and harms of the use of emerging tech-
55 nologies, taking into account and analyzing the impact of the use of
56 such systems on the workforce, human safety, inequality, governance, and

1 impact on minorities, women, young people, seniors, lesbian, gay, bisexual,
2 transgender and gender-nonconforming individuals and individuals
3 with disabilities.

4 (i) Make estimates and comparisons of the impacts of alternative meth-
5 ods and programs.

6 (j) Present findings of completed analyses to the appropriate legisla-
7 tive authorities.

8 (k) Identify areas where additional research or data collection is
9 required to provide adequate support for the assessments and estimates
10 described in this section.

11 2. Assessment activities undertaken by the office may be initiated
12 upon the request of:

13 (a) The director of the office with majority approval of the board;

14 (b) The chair of any committee of either house of the legislature, or
15 of any committee of the legislature, acting for themselves or at the
16 request of the ranking minority member or a majority of the committee
17 members; or

18 (c) The commissioner of any state agency.

19 3. The office is authorized to hold public hearings and meetings and
20 to consult with any relevant stakeholders it deems appropriate or neces-
21 sary to seek assistance, data, or other information that will enable the
22 office to carry out its powers and duties.

23 4. The director may appoint assistants, and other officers and employ-
24 ees, committees and consultants as the director may deem necessary,
25 prescribe their powers and duties, and fix their compensation within the
26 amounts appropriated.

27 5. The office may request and receive from any department, division,
28 board, bureau, commission or other agency of the state any information
29 and resources that will enable the office to properly carry out its
30 functions, powers and duties.

31 6. The director may enter contracts or other arrangements as may be
32 necessary for the conduct of the work of the office with any agency
33 within the state, or with any person, firm, association, corporation, or
34 educational institution with or without reimbursement and may make
35 advance, progress and other payments which relate to the duties of the
36 office.

37 7. The office shall submit a report to the governor, the speaker of
38 the assembly and the temporary president of the senate, and any assess-
39 ment requester no later than one year after the effective date of this
40 article and annually thereafter, such report shall contain, at minimum,
41 a summary of the findings of the office required by this section. The
42 report shall also be published on the website of the office of the
43 governor.

44 § 2. This act shall take effect one year after it shall have become a
45 law.