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:

Section 1. The executive law is amended by adding a new article 49-C 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.

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

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

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

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

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

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

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

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

(d) legal representation of low-income individuals.

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

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

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

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

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

(c) Identify alternative technological methods of implementing specific programs.

(d) Identify alternative programs for achieving requisite goals.

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

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

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

(i) permissible uses and purposes for use;

(ii) prohibited uses and purposes for use;

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

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

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

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

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

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

(h) Evaluate potential benefits and harms of the use of emerging technologies, taking into account and analyzing the impact of the use of such systems on the workforce, human safety, inequality, governance, and

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

(i) Make estimates and comparisons of the impacts of alternative methods and programs.

(j) Present findings of completed analyses to the appropriate legislative authorities.

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

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

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

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

(c) The commissioner of any state agency.

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

4. The director may appoint assistants, and other officers and employees, committees and consultants as the director may deem necessary, prescribe their powers and duties, and fix their compensation within the amounts appropriated.

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

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

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

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