

STATE OF NEW YORK

433

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. OTIS -- read once and referred to the Committee on Science and Technology

AN ACT to amend the state technology law and the civil service law, in relation to the disclosure of automated employment decision-making tools and maintaining an artificial intelligence inventory; to amend a chapter of the laws of 2024 amending the state technology law relating to automated decision-making by state agencies, as proposed in legislative bills numbers S. 7543-B and A. 9430-B, in relation to the effectiveness thereof; to repeal sections 1 and 3 of a chapter of the laws of 2024 amending the state technology law relating to automated decision-making by state agencies, as proposed in legislative bills numbers S. 7543-B and A. 9430-B, in relation to the short title and disclosure; to repeal sections 403 and 404 of the state technology law relating to impact assessments and submission of certain reports; and providing for the repeal of certain provisions upon expiration thereof

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

- 1 Section 1. Sections 1 and 3 of a chapter of the laws of 2024 amending
2 the state technology law relating to automated decision-making by state
3 agencies, as proposed in legislative bills numbers S. 7543-B and A.
4 9430-B, are REPEALED.
- 5 § 2. Sections 403 and 404 of the state technology law, as added by a
6 chapter of the laws of 2024 amending the state technology law relating
7 to automated decision-making by state agencies, as proposed in legisla-
8 tive bills numbers S. 7543-B and A. 9430-B, are REPEALED.
- 9 § 3. The article heading of article 4 and sections 401 and 402 of the
10 state technology law, as added by a chapter of the laws of 2024 amending
11 the state technology law relating to automated decision-making by state
12 agencies, as proposed in legislative bills numbers S. 7543-B and A.
13 9430-B, are amended to read as follows:

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

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AUTOMATED EMPLOYMENT DECISION-MAKING IN STATE GOVERNMENT

§ 401. Definitions. For the purpose of this article:

1. "Automated employment decision-making [~~system~~ tool" shall mean any software that uses algorithms, computational models, or artificial intelligence techniques, or a combination thereof, to materially automate ~~support,~~ or replace human decision-making [~~and shall include, without limitation, systems that process data, and apply predefined rules or machine learning algorithms to analyze such data, and generate conclusions, recommendations, outcomes, assumptions, projections, or predictions without meaningful human discretion~~] regarding employment, including but not limited to wages and other compensation, hiring, selection for recruitment, discipline, promotion, and termination.

"Automated employment decision-making [~~system~~ tool" shall not include any software used primarily for basic computerized processes, such as calculators, spellcheck tools, autocorrect functions, spreadsheets, electronic communications, or any tool that relates only to internal management affairs such as ordering office supplies or processing payments, and that do not materially affect the rights, liberties, benefits, safety or welfare of any individual within the state.

2. [~~"Meaningful human review" means review, oversight and control of the automated decision making process by one or more individuals who understand the risks, limitations, and functionality of, and are trained to use, the automated decision making system and who have the authority to intervene or alter the decision under review, including but not limited to the ability to approve, deny, or modify any decision recommended or made by the automated system.~~

~~3.]~~ "State agency" shall mean any department, public authority, board, bureau, commission, division, office, council, committee or officer of the state. Such terms shall not include the legislature or judiciary.

~~[4. "Public assistance benefit" shall mean any service or program within the control of the state, or benefit provided by the state to individuals or households, including but not limited to public assistance, cash assistance, grants, child care assistance, housing assistance, unemployment benefits, transportation benefits, education assistance, domestic violence services, and any other assistance or benefit within the authority of the state to grant to individuals within the state. This shall not include any federal program that is administered by the federal government or the state.]~~

§ 402. [~~Use~~] Disclosure of automated employment decision-making [~~systems by agencies~~] tools. [~~1. No state agency, or any entity acting on behalf of such agency, which utilizes or applies any automated decision-making system, directly or indirectly, in performing any function that: (a) is related to the delivery of any public assistance benefit, (b) will have a material impact on the rights, civil liberties, safety or welfare of any individual within the state, or (c) affects any statutorily or constitutionally provided right of an individual, shall utilize such automated decision-making system, unless such automated decision-making system is subject to continued and operational meaningful human review.~~

~~2. No state agency shall authorize any procurement, purchase or acquisition of any service or system utilizing, or relying on, automated decision-making systems in performing any function that is: (a) related to the delivery of any public assistance benefit, (b) will have a material impact on the rights, civil liberties, safety or welfare of any individual within the state, or (c) affects any statutorily or constitutionally provided right of an individual unless such automated deci-~~

~~1 sion-making system is subject to continued and operational meaningful
2 human review.~~

~~3 3. The use of an automated decision-making system shall not affect (a)
4 the existing rights of employees pursuant to an existing collective
5 bargaining agreement, or (b) the existing representational relationships
6 among employee organizations or the bargaining relationships between the
7 employer and an employee organization. The use of an automated deci-
8 sion-making system shall not result in the: (1) discharge, displacement
9 or loss of position, including partial displacement such as a reduction
10 in the hours of non-overtime work, wages, or employment benefits, or
11 result in the impairment of existing collective bargaining agreements;
12 (2) transfer of existing duties and functions currently performed by
13 employees of the state or any agency or public authority thereof to an
14 automated decision-making system; or (3) transfer of future duties and
15 functions ordinarily performed by employees of the state or any agency
16 or public authority. The use of an automated decision-making system
17 shall not alter the rights or benefits, and privileges, including but
18 not limited to terms and conditions of employment, civil service status,
19 and collective bargaining unit membership status of all existing employ-
20 ees of the state or any agency or public authority thereof shall be
21 preserved and protected.]~~

Any state agency that utilizes an automated
22 employment decision-making tool, as defined in section four hundred one
23 of this article, shall publish a list of such automated employment deci-
24 sion-making tools on such state agency's website no later than the thir-
25 tieth of December next succeeding the date on which the amendments made
26 to this section by a chapter of the laws of two thousand twenty-four
27 take effect, and annually thereafter. Such disclosure shall include:

- 28 1. a description of the automated employment decision-making tool
29 utilized by such state agency;
- 30 2. the date that the state agency use of such automated employment
31 decision-making tool began;
- 32 3. a summary of the purpose and use of such automated employment deci-
33 sion-making tool; and
- 34 4. any other information deemed relevant by the agency.

35 § 4. The state technology law is amended by adding a new section 103-e
36 to read as follows:

37 § 103-e. Artificial intelligence (AI) inventory. 1. The office shall
38 maintain an inventory of state agency artificial intelligence systems.
39 The office shall issue guidance to state agencies identifying the data
40 elements to be collected and submitted to the office for such inventory,
41 including but not limited to the purpose and uses of the artificial
42 intelligence systems. The inventory shall be posted on the New York
43 state open data website on the thirtieth of December next succeeding the
44 date this section takes effect, and annually thereafter. State agencies
45 shall submit information required by the office at least sixty days in
46 advance of the annual publication date. The office may withhold certain
47 information if it determines disclosure of this information would jeop-
48 ardize the security of information technology assets, or as prescribed
49 by article six of the public officers law.

50 2. For purposes of this section, "artificial intelligence system"
51 shall mean a machine-based system that can, for a given set of human-de-
52 fined objectives, make predictions, recommendations, or decisions influ-
53 encing real or virtual environments that, when used, may "directly
54 impact the public". Artificial intelligence systems use machine- and
55 human-based inputs to perceive real and virtual environments, abstract
56 such perceptions into models through analysis in an automated manner,

1 and use model inference to formulate options for information or action.
2 "Artificial intelligence system" includes but is not limited to systems
3 that use machine learning, large language model, natural language proc-
4 essing, and computer vision technologies, including generative artifi-
5 cial intelligence. "Artificial intelligence system" shall not include
6 basic calculations, basic automation, or pre-recorded rule-based condi-
7 tional logic response systems with predefined triggers that automat-
8 ically initiate predetermined actions, such as If This Then That (IFTT)
9 systems.

10 3. For purposes of this section, "directly impact the public" shall
11 mean when the use of an artificial intelligence system would control,
12 have a material impact on, or meaningfully influence the outcome of
13 activities that impact the safety, welfare, or rights of the public.
14 Such activities include but are not limited to assessments or decisions
15 about individuals including in law enforcement, housing, hiring and
16 employment, financial, educational, or healthcare contexts, decisions
17 regarding access to or eligibility for government benefits or about
18 child welfare, or the functioning of emergency services or critical
19 infrastructure.

20 4. The office may ask and shall receive from any state agency any
21 information or assistance necessary to carry out its powers and duties
22 under this section.

23 5. The office shall submit a copy of the artificial intelligence
24 inventory to the governor, the temporary president of the senate, and
25 the speaker of the assembly.

26 § 5. Section 80 of the civil service law is amended by adding a new
27 subdivision 10 to read as follows:

28 10. (a) The use of artificial intelligence systems as defined by
29 section one hundred three-e of the state technology law shall not affect
30 (i) the existing rights of employees pursuant to an existing collective
31 bargaining agreement, or (ii) the existing representational relation-
32 ships among employee organizations or the bargaining relationships
33 between the employer and an employee organization.

34 (b) The use of such artificial intelligence systems shall not result
35 in the: (i) discharge, displacement or loss of position, including
36 partial displacement such as a reduction in the hours of non-overtime
37 work, wages, or employment benefits, or result in the impairment of
38 existing collective bargaining agreements; or

39 (ii) transfer of existing duties and functions currently performed by
40 employees of the state or any agency or public authority thereof to an
41 artificial intelligence system.

42 (c) The use of an artificial intelligence system shall not alter the
43 rights or benefits, and privileges, including but not limited to terms
44 and conditions of employment, civil service status, and collective
45 bargaining unit membership status of all existing employees of the state
46 or any agency or public authority thereof shall be preserved and
47 protected.

48 § 6. Section 4 of a chapter of the laws of 2024 amending the state
49 technology law relating to automated decision-making by state agencies,
50 as proposed in legislative bills numbers S. 7543-B and A. 9430-B, is
51 amended to read as follows:

52 § 4. This act shall take effect [~~immediately, provided that section~~
53 ~~two of this act shall take effect one year after it shall have become a~~
54 ~~law~~] July 1, 2025.

55 § 7. This act shall take effect immediately; provided, however, that
56 sections one, two, three, four and five of this act shall take effect on

1 the same date and in the same manner as a chapter of the laws of 2024
2 amending the state technology law relating to automated decision-making
3 by state agencies, as proposed in legislative bills numbers S. 7543-B
4 and A. 9430-B, takes effect; and provided, further, that section five of
5 this act shall expire and be deemed repealed July 1, 2028.