STATE OF NEW YORK

822

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

Section 1. 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to automated decision-making by state agencies, as proposed in legislative bills numbers S. 7543-B and A. 9430-B, are REPEALED.

§ 2. Sections 403 and 404 of the state technology law, as added by 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to automated decision-making by state agencies, as proposed in legislative bills numbers S. 7543-B and A. 9430-B, are REPEALED.

§ 3. The article heading of article 4 and sections 401 and 402 of the state technology law, as added by 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, 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-~~

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

~~3. The use of an automated decision-making system shall not affect (a) the existing rights of employees pursuant to an existing collective bargaining agreement, or (b) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization. The use of an automated decision-making system shall not result in the: (1) discharge, displacement or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; (2) transfer of existing duties and functions currently performed by employees of the state or any agency or public authority thereof to an automated decision-making system; or (3) transfer of future duties and functions ordinarily performed by employees of the state or any agency or public authority. The use of an automated decision-making system shall not alter the rights or benefits, and privileges, including but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership status of all existing employees of the state or any agency or public authority thereof shall be preserved and protected~~] Any state agency that utilizes an automated employment decision-making tool, as defined in section four hundred one of this article, shall publish a list of such automated employment decision-making tools on such state agency's website no later than the thirtieth of December next succeeding the date on which the amendments made to this section by a chapter of the laws of two thousand twenty-four take effect, and annually thereafter. Such disclosure shall include:

1. a description of the automated employment decision-making tool utilized by such state agency;

2. the date that the state agency use of such automated employment decision-making tool began;

3. a summary of the purpose and use of such automated employment decision-making tool; and

4. any other information deemed relevant by the agency.

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

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

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

and use model inference to formulate options for information or action. "Artificial intelligence system" includes but is not limited to systems that use machine learning, large language model, natural language processing, and computer vision technologies, including generative artificial intelligence. "Artificial intelligence system" shall not include basic calculations, basic automation, or pre-recorded rule-based conditional logic response systems with predefined triggers that automatically initiate predetermined actions, such as If This Then That (IFTT) systems.

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

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

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

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

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

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

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

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

§ 6. Section 4 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, is amended to read as follows:

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

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

the same date and in the same manner as 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, takes effect; and provided, further, that section five of this act shall expire and be deemed repealed July 1, 2028.