

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3828

6 By: Alonso-Sandoval

7 COMMITTEE SUBSTITUTE

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

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

24 SECTION 1. NEW LAW A new section of law to be codified
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 (1) performs tasks under varying and unpredictable
2 circumstances without significant human oversight
3 or can learn from experience and improve such
4 performance when exposed to data sets,

5 (2) is developed in any context, including, but not
6 limited to, software or physical hardware, and
7 solves tasks requiring human-like perception,
8 cognition, planning, learning, communication or
9 physical action, or

10 (3) is designed to:

11 (a) think or act like a human, including, but
12 not limited to, a cognitive architecture or
13 neural network, or

14 (b) act rationally, including, but not limited
15 to, an intelligent software agent or
16 embodied robot that achieves goals using
17 perception, planning, reasoning, learning,
18 communication, decision-making or action, or

19 b. a set of techniques, including, but not limited to,
20 machine learning, that is designed to approximate a
21 cognitive task; and

22 2. "State agency" means each department, board, council,
23 commission, institution, or other agency of the executive branch of
24 the state government, provided each board, council, commission,

1 institution, or other agency included by law within any given
2 department shall be deemed a division of that department. The term
3 "state agency" shall include:

4 a. the offices of the Governor, Lieutenant Governor,
5 Treasurer, Attorney General, Secretary of State and
6 Comptroller, and

7 b. all operations of an executive branch agency which are
8 funded by either the General Revenue Fund or a special
9 fund.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 10102 of Title 74, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Not later than December 31, 2024, and annually thereafter,
14 the Office of Management and Enterprise Services (OMES) shall
15 conduct an inventory of all systems that employ artificial
16 intelligence and are in use by any state agency that uses OMES's
17 services. Any agency that does not use OMES's services shall
18 conduct their own inventory. Each such inventory shall include at a
19 minimum the following information for each such system:

20 1. The name of such system and the vendor, if any, that
21 provided such system;

22 2. A description of the general capabilities and uses of such
23 system;

24

1 3. Whether such system was used to independently make, inform,
2 or materially support a conclusion, decision, or judgment; and

3 4. Whether such system underwent an impact assessment prior to
4 implementation.

5 B. The Office of Management and Enterprise Services or agencies
6 that do not use OMES's services shall make each inventory conducted
7 pursuant to subsection A of this section publicly available on their
8 website.

9 SECTION 3. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 10103 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Beginning on February 1, 2025, the Office of Management and
13 Enterprise Services (OMES) or any agency that does not use OMES's
14 services shall perform ongoing assessments of systems that employ
15 artificial intelligence and are in use by state agencies to ensure
16 that no such system shall result in any unlawful discrimination or
17 disparate impact described in subsection B of this section.

18 B. Not later than February 1, 2025, the Office of Management
19 and Enterprise Services shall develop and establish policies and
20 procedures concerning the development, procurement, implementation,
21 utilization, and ongoing assessment of systems that employ
22 artificial intelligence and are in use by state agencies. Such
23 policies and procedures shall, at a minimum, include policies and
24 procedures that:

- 1 1. Govern the procurement, implementation, and ongoing
2 assessment of such systems by state agencies;
- 3 2. Are sufficient to ensure that no such system:
- 4 a. results in any unlawful discrimination against any
5 individual or group of individuals, or
- 6 b. has any unlawful disparate impact on any individual or
7 group of individuals on the basis of any actual or
8 perceived differentiating characteristics, including,
9 but not limited to, age, genetic information, color,
10 ethnicity, race, creed, religion, national origin,
11 ancestry, sex, gender identity or expression, sexual
12 orientation, marital status, familial status,
13 pregnancy, veteran status, disability, or lawful
14 source of income;
- 15 3. Require a state agency to assess the likely impact of any
16 such system before implementing such system; and
- 17 4. Provide for the Office of Management and Enterprise Services
18 or any agency that does not use OMES's services to perform ongoing
19 assessments of such systems to ensure that no such system results in
20 any unlawful discrimination or disparate impact described in
21 paragraph 2 of this subsection.
- 22 C. The Office of Management and Enterprise Services may revise
23 policies and procedures established in this act if such revision is
24 deemed necessary by the Executive Director.

1 D. The Office of Management and Enterprise Services shall post
2 policies and procedures established pursuant to this act and any
3 revision made to such policies and procedures pursuant to subsection
4 C on the agency's website.

5 E. Beginning on February 1, 2025, no state agency shall
6 implement any system that employs artificial intelligence:

7 1. Unless the state agency has performed an impact assessment,
8 in accordance with the policies and procedures established pursuant
9 to this act, to ensure that such system will not result in any
10 unlawful discrimination or disparate impact described herein; or

11 2. If the head of such state agency determines, at their
12 discretion, that such system will result in any unlawful
13 discrimination or disparate impact described in this act.

14 SECTION 4. This act shall become effective November 1, 2024.

15

16 59-2-10332 MJ 02/20/24

17

18

19

20

21

22

23

24