SENATE . . . . No. 1876

The Commonwealth of Massachusetts

_____

PRESENTED BY:

Jason M. Lewis

_____

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a commission on transparency and use of artificial intelligence in government decision-making.

_____

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Jason M. Lewis	Fifth Middlesex	
Jack Patrick Lewis	7th Middlesex	1/24/2019
Thomas M. Stanley	9th Middlesex	1/28/2019
Joseph A. Boncore	First Suffolk and Middlesex	1/30/2019
Mike Connolly	26th Middlesex	1/30/2019
Sal N. DiDomenico	Middlesex and Suffolk	1/31/2019
Jennifer E. Benson	37th Middlesex	1/31/2019
Bruce E. Tarr	First Essex and Middlesex	1/31/2019
Michael O. Moore	Second Worcester	2/4/2019
Julian Cyr	Cape and Islands	2/4/2019
James K. Hawkins	2nd Bristol	2/7/2019
James B. Eldridge	Middlesex and Worcester	2/11/2019

SENATE . . . . No. 1876

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1876) of Jason M. Lewis, Jack Patrick Lewis, Thomas M. Stanley, Joseph A. Boncore and other members of the General Court for legislation to establish a commission on transparency and use of artificial intelligence in government decision-making. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

_____

**In the One Hundred and Ninety-First General Court
(2019-2020)**

_____

An Act establishing a commission on transparency and use of artificial intelligence in government decision-making.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1   SECTION 1. Chapter 7D of the General Laws, as amended by Chapter 64 of the Acts of

2   2017, is hereby further amended by inserting after Section 10 the following new section:-

3   Section 11. (a) As used in this section, the following words shall have the following

4   meanings unless the context clearly requires otherwise:

5   "Algorithm", a specific procedure, set of rules, or order of operations designed to solve a

6   problem or make a calculation, classification, or recommendation.

7   "Artificial intelligence", computerized methods and tools, including but not limited to

8   machine learning and natural language processing, that act in a way that resembles human

9   cognitive abilities when it comes to solving problems or performing certain tasks.

10 "Automated decision system", any computer program, method, statistical model, or

11 process that aims to aid or replace human decision-making using algorithms or artificial

12 intelligence. These systems can include analyzing complex datasets about human populations

13 and government services or other activities to generate scores, predictions, classifications, or

14 recommendations used by agencies to make decisions that impact human welfare.

15 "Commonwealth of Massachusetts or "Massachusetts office", any agency, constitutional

16 office, department, board, commission, bureau, division or authority of the commonwealth, or of

17 any political subdivision thereof, or of any authority established by the general court to serve a

18 public purpose.

19 "Source code", the structure of a computer program that can be read and understood by

20 people.

21 "Training data", the data used to inform the development of an automated decision

22 system and the decisions or recommendations it generates.

23 (b) There shall be a commission within the executive office of technology services and

24 security for the purpose of studying and making recommendations relative to the use by the

25 commonwealth of automated decision systems that may affect human welfare, including but not

26 limited to the legal rights and privileges of individuals. In carrying out its work, the commission

27 shall examine the following on an ongoing basis:

28 (i) a complete and specific survey of all uses of automated decision systems by the

29 commonwealth of Massachusetts and the purposes for which such systems are used;

30   (ii) the principles, policies, and guidelines adopted by specific Massachusetts offices to

31   inform the procurement, evaluation, and use of automated decision systems, the procedures by

32   which such principles, policies, and guidelines are adopted, and any gaps in such principles,

33   policies, and guidelines;

34   (iii) the training specific Massachusetts offices provide to individuals using automated

35   decision systems, the procedures for enforcing the principles, policies, and guidelines regarding

36   their use, and any gaps in training or enforcement;

37   (iv) the manner by which Massachusetts offices validate and test the automated decision

38   systems they use, and the manner by which they evaluate those systems on an ongoing basis,

39   specifying the training data, input data, systems analysis, studies, vendor or community

40   engagement, third-parties, or other methods used in such validation, testing, and evaluation;

41   (v) matters related to the transparency, explicability, auditability, and accountability of

42   automated decision systems, including information about their structure; the processes guiding

43   their procurement, implementation and review; whether they can be audited externally and

44   independently; and the people who operate such systems and the training they receive;

45   (vi) the manner and extent to which Massachusetts offices make the automated decision

46   systems they use available to external review, and any existing policies, laws, procedures, or

47   guidelines that may limit external access to data or technical information that is necessary for

48   audits, evaluation, or validation of such systems;

49   (vii) the due process rights of individuals directly affected by automated decision

50   systems, and the public disclosure and transparency procedures necessary to ensure such

51   individuals are aware of the use of the systems and understand their related due process rights;

52   (viii) uses of automated decision systems that directly or indirectly result in disparate

53   outcomes for individuals or communities based on age, race, creed, color, religion, national

54   origin, gender, disability, sexual orientation, marital status, veteran status, receipt of public

55   assistance, economic status, location of residence, or citizenship status;

56   (ix) technical, legal, or policy controls to improve the just and equitable use of automated

57   decision systems and mitigate any disparate impacts deriving from their use, including best

58   practices and policies developed through research and academia or in other states and

59   jurisdictions;

60   (x) matters related to data sources, data sharing agreements, data security provisions,

61   compliance with data protection laws and regulations, and all other issues related to how data is

62   protected, used, and shared by agencies using automated decision systems;

63   (xi) matters related to automated decision systems and intellectual property, such as the

64   existence of non-disclosure agreements, trade secrets claims, and other proprietary interests, and

65   the impacts of intellectual property considerations on transparency, explicability, auditability,

66   accountability, and due process; and

67   (xii) any other opportunities and risks associated with the use of automated decision

68   systems by Massachusetts offices.

69   (c) The commission shall consist of the secretary of technology services and security or

70   the secretary's designee, who shall serve as chair; the house and senate chairs of the joint

71   committee on state administration and regulatory oversight; the chief justice of the supreme

72   judicial court or a designee; the attorney general or a designee; the state auditor or a designee;

73   the inspector general or a designee; the secretaries of the Executive Office of Public Safety and

74   Security, Department of Children and Families, and Executive Office of Health and Human

75   Services, or their designees; the chief counsel of the committee for public counsel services or a

76   designee; the chief legal counsel of the Massachusetts Bar Association or a designee; the

77   executive director of the American Civil Liberties Union of Massachusetts or a designee; 2

78   representatives from Harvard University who shall be experts in (i) data science, artificial

79   intelligence, and machine learning, (ii) social implications of artificial intelligence and

80   technology, or (iii) information policy, technology, and the law; 2 representatives from the

81   Massachusetts Institute of Technology who shall be experts in (i) artificial intelligence and

82   machine learning, (ii) data science and information policy, or (iii) technology and the law; the

83   executive director of the Massachusetts Law Reform Institute or a designee; 1 representative

84   from a the National Association of Social Workers; and 1 representative from the Massachusetts

85   High Technology Council.

86   (d) Members of the commission shall be appointed within 45 days of the effective date of

87   this act. The commission shall meet at the call of the chair based on the commission's workload

88   but not fewer than 6 times per calendar year.

89   (e) The commission shall submit an annual report by December 31 to the governor, the

90   clerks of the house of representatives and the senate, and the joint committee on state

91   administration and regulatory oversight. The report will be a public record and it shall include,

92   but not be limited to, a description of the commission's activities and any community

93   engagement undertaken by the commission, the commission's findings and any recommendations

94   for regulatory or legislative action, including recommendations about areas where Massachusetts

95   offices ought not to use automated decision systems, with a timeline for implementation, cost

96   estimates and finance mechanisms. The report shall also detail the extent of algorithmic decision-

97   making used by the commonwealth of Massachusetts and the progress made toward

98   implementing any previous recommendations issued by the commission.