<u>**E2SSB 5838**</u> - H COMM AMD
    By Committee on Consumer Protection & Business

NOT ADOPTED 02/29/2024

1   Strike everything after the enacting clause and insert the
2 following:

3   "<u>NEW SECTION.</u> **Sec. 1.** The legislature finds that artificial
4 intelligence is a fast-evolving technology that holds extraordinary
5 potential and has a myriad of uses for both the public and private
6 sectors. Advances in artificial intelligence technology have led to
7 programs that are capable of creating text, audio, and media that are
8 difficult to distinguish from media created by a human. This
9 technology has the potential to provide great benefits to people if
10 used well and to cause great harm if used irresponsibly.
11   The legislature further finds that generative artificial
12 intelligence has become widely available to consumers and has great
13 potential to become a versatile tool for a wide audience. It can
14 streamline tasks, save time and money for users, and facilitate
15 further innovation. Artificial intelligence has the potential to help
16 solve urgent challenges, while making our world more prosperous,
17 productive, innovative, and secure when used responsibly.
18   Washington state is in a unique position to become a center for
19 artificial intelligence and machine learning. When used
20 irresponsibly, artificial intelligence has the potential to further
21 perpetuate bias and harm to historically excluded groups. It is vital
22 that the fundamental rights to privacy and freedom from
23 discrimination are properly safeguarded as society explores this
24 emerging technology.
25   The federal government has not yet enacted binding regulations,
26 however in July 2023, the federal government announced voluntary
27 commitments by seven leading artificial intelligence companies,
28 including three companies headquartered in Washington, to move toward
29 safe, secure, and transparent development of artificial intelligence
30 technology. The October 2023 executive order on the safe, secure, and
31 trustworthy development and use of artificial intelligence builds on
32 this work by directing developers of artificial intelligence systems

1 to share their safety test results for certain highly capable models
2 with the United States government.

3   Numerous businesses and agencies have developed principles for
4 artificial intelligence. In Washington, Washington technology
5 solutions (WaTech) developed guiding principles for artificial
6 intelligence use by state agencies. These principles share common
7 themes: Accountability, transparency, human control, privacy and
8 security, advancing equity, and promoting innovation and economic
9 development.

10   The legislature finds that the possible impacts of advancements
11 in generative artificial intelligence for Washingtonians requires
12 careful consideration in order to mitigate risks and potential harms,
13 while promoting transparency, accountability, equity, and innovation
14 that drives technological breakthroughs. On January 30, 2024,
15 governor Inslee issued Executive Order 24-01 directing WaTech to
16 identify generative artificial intelligence initiatives that could be
17 implemented in state operations and issue guidelines for public
18 sector procurement and usage.

19   NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts
20 appropriated for this specific purpose, a task force to assess
21 current uses and trends and make recommendations to the legislature
22 regarding guidelines and potential legislation for the use of
23 artificial intelligence systems is established.

24   (2) The task force is composed of an executive committee
25 consisting of members as provided in this subsection.

26   (a) The president of the senate shall appoint one member from
27 each of the two largest caucuses of the senate.

28   (b) The speaker of the house of representatives shall appoint one
29 member from each of the two largest caucuses of the house of
30 representatives.

31   (c) The attorney general shall appoint the following members,
32 selecting only individuals with experience in technology policy:

33   (i) One member from the office of the governor;

34   (ii) One member from the office of the attorney general;

35   (iii) One member from Washington technology solutions;

36   (iv) One member from the Washington state auditor;

37   (v) One member representing universities or research institutions
38 that are experts in the design and effect of an algorithmic system;

39   (vi) One member representing private technology industry groups;

1   (vii) One member representing business associations;

2   (viii) One member representing community advocate organizations

3   that represent communities that are disproportionately vulnerable to

4   being harmed by algorithmic bias;

5   (ix) One member representing the LGBTQ+ community;

6   (x) One member representing statewide labor organizations; and

7   (xi) One member representing public safety.

8   (d) The task force may meet in person or by telephone conference

9   call, videoconference, or other similar telecommunications method, or

10   a combination of such methods.

11   (e) The executive committee may convene subcommittees to advise

12   the task force on the recommendations and findings set out in

13   subsection (4) of this section.

14   (i) The executive committee shall define the scope of activity

15   and subject matter focus required of the subcommittees including, but

16   not limited to: Education and workforce development; public safety

17   and ethics; health care and accessibility; labor; government and

18   public sector efficiency; state security and cybersecurity; consumer

19   protection and privacy; and industry and innovation.

20   (ii) Subcommittees and their members may be invited to

21   participate on an ongoing, recurring, or one-time basis.

22   (iii) The executive committee in collaboration with the attorney

23   general shall appoint members to the subcommittees that must be

24   comprised of industry participants, subject matter experts,

25   representatives of federally recognized tribes, or other relevant

26   stakeholders.

27   (iv) Each subcommittee must contain at least one member

28   possessing relevant industry expertise and at least one member from

29   an advocacy organization that represents communities that are

30   disproportionately vulnerable to being harmed by algorithmic bias

31   including, but not limited to: African American; Hispanic American;

32   Native American; Asian American; Native Hawaiian and Pacific Islander

33   communities; religious minorities; individuals with disabilities; and

34   other vulnerable communities.

35   (v) Meeting summaries and reports delivered by the subcommittees

36   to the executive committee must be made available on the attorney

37   general's website within 30 days of delivery.

38   (3) The office of the attorney general must administer and

39   provide staff support for the task force. The office of the attorney

40   general may, when deemed necessary by the task force, retain

1 consultants to provide data analysis, research, recommendations,
2 training, and other services to the task force for the purposes
3 provided in subsection (4) of this section. The office of the
4 attorney general may work with the task force to determine
5 appropriate subcommittees as needed.

6   (4) The executive committee and subcommittees of the task force
7 shall examine the development and use of artificial intelligence by
8 private and public sector entities and make recommendations to the
9 legislature regarding guidelines and potential legislation for the
10 use and regulation of artificial intelligence systems to protect
11 Washingtonians' safety, privacy, and civil and intellectual property
12 rights. The task force findings and recommendations must include:

13   (a) A literature review of public policy issues with artificial
14 intelligence, including benefits and risks to the public broadly,
15 historically excluded communities, and other identifiable groups,
16 racial equity considerations, workforce impacts, and ethical
17 concerns;

18   (b) A review of existing protections under state and federal law
19 for individual data and privacy rights, safety, civil rights, and
20 intellectual property rights, and how federal, state, and local laws
21 relating to artificial intelligence align, differ, conflict, and
22 interact across levels of government;

23   (c) A recommended set of guiding principles for artificial
24 intelligence use informed by standards established by relevant
25 bodies;

26   (d) Identification of high-risk uses of artificial intelligence,
27 including those that may negatively affect safety or fundamental
28 rights;

29   (e) Opportunities to support and promote the innovation of
30 artificial intelligence technologies through grants and incentives;

31   (f) Recommendations on appropriate uses of and limitations on the
32 use of artificial intelligence by state and local governments and the
33 private sector;

34   (g) Recommendations relating to the appropriate and legal use of
35 training data;

36   (h) Racial equity issues posed by artificial intelligence systems
37 and ways to mitigate the concerns to build equity into the systems;

38   (i) Civil liberties issues posed by artificial intelligence
39 systems and civil rights and civil liberties protections to be
40 incorporated into artificial intelligence systems;

(j) Recommendations as to how the state should educate the public on the development and use of artificial intelligence;

(k) A review of protections of personhood, including replicas of voice or likeness, in typical contract structures, and a review of artificial intelligence tools used to support employment decisions; and

(l) Proposed state guidelines for the use of artificial intelligence to inform the development, deployment, and use of artificial intelligence systems to:

(i) Retain appropriate human agency and oversight;

(ii) Be subject to internal and external security testing of systems before public release for high-risk artificial intelligence systems;

(iii) Protect data privacy and security;

(iv) Promote appropriate transparency for consumers when they interact with artificial intelligence systems or products created by artificial intelligence; and

(v) Ensure accountability, considering oversight, impact assessment, auditability, and due diligence mechanisms.

(5) The executive committee of the task force must hold its first meeting within 45 days of final appointments to the task force and must meet at least twice each year thereafter. The task force must submit reports to the governor and the appropriate committees of the legislature detailing its findings and recommendations. A preliminary report must be delivered by December 31, 2024, an interim report by December 1, 2025, and a final report by July 1, 2026. Meeting summaries must be posted to the website of the attorney general's office within 30 days of any meeting by the task force.

(6) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7) To ensure that the task force has diverse and inclusive representation of those affected by its work, task force members, including subcommittee members, whose participation in the task force may be hampered by financial hardship and may be compensated as provided in RCW 43.03.220.

1   (8) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.
3   (a) "Artificial intelligence" means the use of machine learning
4 and related technologies that use data to train statistical models
5 for the purpose of enabling computer systems to perform tasks
6 normally associated with human intelligence or perception, such as
7 computer vision, speech or natural language processing, and content
8 generation.
9   (b) "Generative artificial intelligence" means an artificial
10 intelligence system that generates novel data or content based on a
11 foundation model.
12   (c) "Machine learning" means the process by which artificial
13 intelligence is developed using data and algorithms to draw
14 inferences therefrom to automatically adapt or improve its accuracy
15 without explicit programming.
16   (d) "Training data" means labeled data that is used to teach
17 artificial intelligence models or machine learning algorithms to make
18 proper decisions. Training data may include, but is not limited to,
19 annotated text, images, video, or audio.
20   (9) This section expires June 30, 2027.

21   NEW SECTION. **Sec. 3.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately."

25   Correct the title.

EFFECT: Modifies the membership of the task force to require one
member representing private technology industry groups and one member
representing business associations.
    Modifies the membership of the task force to require one member
representing the LGBTQ+ community.
    Directs the executive committee of the task force to include in
its recommendations and findings recommendations relating to the use
of training data and establishes a definition for "training data".

--- **END** ---