

# SENATE BILL REPORT

## SB 5838

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As of January 10, 2024

**Title:** An act relating to establishing an artificial intelligence task force.

**Brief Description:** Establishing an artificial intelligence task force.

**Sponsors:** Senators Nguyen, Conway, Dhingra, Frame, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, Lovick, Muzzall, Nobles, Saldaña, Salomon, Stanford, Torres, Valdez and Wellman; by request of Attorney General.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/10/24.

**Brief Summary of Bill**

- Creates an Artificial Intelligence Task Force to assess uses, develop guiding principles, and make recommendations for the regulation of generative artificial intelligence.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Adam Brunmeier (786-7357)

**Background:** Generative Artificial Intelligence. Generative Artificial Intelligence (AI) refers to technology that can mimic human ability to learn and create based on the underlying training data and guided by a user or prompt. Generative AI tools are therefore capable of performing complex decision-making or creative tasks typically performed by humans or with human oversight. Several forms of Generative AI technology are currently widely accessible to consumers and can perform a wide range of functions.

**Summary of Bill:** Subject to the availability of amounts appropriated for this specific purpose, a task force is created to assess current uses and trends by private and public sector entities and make recommendations to the Legislature regarding standards for the use and

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regulation of Generative AI.

The President of the Senate shall appoint one member from each of the two largest caucuses. They will serve on the task force alongside two appointees from the House of Representatives and at least 38 specified experts, agency representatives, or interested parties appointed by the Attorney General's Office (AGO). To ensure the task force has diverse and inclusive representation, members whose participation may be hampered by financial hardship may be compensated if they are low-income or have lived experience to support their participation.

Findings and recommendations from the task force must address several enumerated areas of concern including, but not limited to: (1) a review of public policy issues and existing protections, (2) identification of high-risk uses, racial equity, and civil liberty issues, and (3) recommendations for guiding principles, regulatory structures, and opportunities to support innovation.

The AGO must staff the task force and may retain consultants to provide data analysis, research, recommendations, training, and other services to the task force.

The Task force first meets December 31, 2024. It must meet twice each year thereafter. An interim report to the Governor and relevant committees is required by December 1, 2025. The final report is to be submitted no later than June 1st, 2027.

**Appropriation:** The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

**Fiscal Note:** Requested on January 4, 2024.

**Creates Committee/Commission/Task Force that includes Legislative members:** Yes.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: AI is quickly evolving and becoming increasingly more accessible and integrated into public life. It is important to approach this issue in a manner that includes diverse perspectives and balances the potential benefits of innovation and economic opportunities with potential risks that need to be addressed. Add clear definitions. Ensure that there is an equitable composition of membership on the task force, including members with expertise. Make the task force smaller. The Task force should consider the potential impact on labor.

CON: AI is an important tool that benefits the public. The state should observe caution in regulating such a complex and far-reaching topic. Concerns were expressed as to whether the task force would be bi-partisan or neutral. If the task force is to be partisan in nature, it should include conservative representation.

OTHER: The timeline presented in the bill is too short. The bill needs clearer definitions and scope. There should be a neutral administrator, perhaps WaTech. The federal government is already looking into regulations and there are concerns for overlapping or conflicting regulations. The concerns related to AI can be adequately addressed by existing regulatory schemes, there is no need for regulations specific to AI. Regulations may stifle innovation and commerce. A standing officer commission to operate on an ongoing basis would be a superior method of addressing the technology as it evolves.

**Persons Testifying:** PRO: Senator Joe Nguyen, Prime Sponsor; Joyce Bruce, Attorney General's Office; Matthew Lenz, BSA | The Software Association; Ashley Sutton, TechNet; Nicole Gomez.

CON: Julie Barrett, Conservative Ladies of Washington; Eric pratt, America.

OTHER: CRYSTAL LEATHERMAN, Washington Retail Association; Mindy Chumbley, Washington Collectors Association; Robert (Bob) Battles, Association of Washington Business (AWB); Kelly Fukai, Washington Technology Industry Association.

**Persons Signed In To Testify But Not Testifying:** No one.