
Consumer Protection & Business Committee

E2SSB 5838

Brief Description: Establishing an artificial intelligence task force.

Sponsors: Senate Committee on Ways & Means (originally sponsored by 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).

<p style="text-align: center;">Brief Summary of Engrossed Second Substitute Bill</p> <ul style="list-style-type: none">• Establishes a task force administered by the Office of the Attorney General to assess uses and trends, and make recommendations regarding the use and regulation of artificial intelligence systems.
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Hearing Date: 2/20/24

Staff: Michelle Rusk (786-7153).

Background:

Artificial Intelligence.

Artificial intelligence (AI) is defined and understood in different ways. The National Artificial Intelligence Initiative Act of 2020 (Act) defines AI as a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. The Act further describes AI systems as systems using machine- and human-based inputs to: (1) perceive real and virtual environments; (2) abstract such perceptions into models through analysis in an automated manner; and (3) use model inference to formulate options for information or action.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The Act established the National Artificial Intelligence Initiative, implemented by the United States President and tasked with ensuring continued United States leadership in AI research and development, leading the world in the development and use of trustworthy AI systems in the public and private sectors, preparing the United States workforce for integration of AI systems across all sectors, and coordinating ongoing AI research and development among government agencies.

By Executive Order, the White House adopted the Act's definition of AI, and defined related concepts including "generative AI," as the class of AI models that emulate the structure and characteristics of input data in order to generate derived synthetic content, which may include images, videos, audio, text, and other digital content. State law does not define AI, or expressly regulate its use.

Summary of Bill:

Task Force Established.

Subject to the availability of amounts appropriated, a task force is established to assess uses and trends, and make recommendations to the Legislature regarding guidelines and potential legislation for the use and regulation of AI systems to protect the safety, privacy, and civil and intellectual property rights of Washington residents.

The Office of the Attorney General (AGO) must administer and provide staff support for the task force, and may retain consultants when deemed necessary to support the task force's work.

Membership.

Executive Committee.

The task force is composed of an executive committee, including one member from each of the two largest caucuses in the Senate and the House of Representatives, and one member appointed by the Attorney General representing each of the following organizations with experience in technology policy:

- the Office of the Governor;
- the Office of the Attorney General;
- Washington Technology Solutions;
- the state auditor;
- universities or research institutions that are experts in the design and effect of an algorithmic system;
- private technology industry groups or business associations;
- community advocate organizations that represent communities disproportionately vulnerable to algorithmic bias;
- statewide labor organizations; and
- law enforcement.

Subcommittees.

The executive committee may convene subcommittees comprised of industry participants,

subject matter experts, federally recognized tribe representatives, and other relevant stakeholders to advise the task force on designated topics on an ongoing, recurring, or one-time basis. Subcommittees must contain at least one member from an advocacy organization that represents communities that are disproportionately vulnerable to being harmed by algorithmic bias and at least one member with relevant industry expertise. Subcommittee meeting reports and summaries must be published on the Attorney General's website.

Taskforce 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.

Recommendations and Reporting.

The task force findings and recommendations must cover several enumerated areas, including but not limited to:

- identification of high-risk uses of AI, racial equity issues posed by AI systems and ways to mitigate concerns, and civil liberties issues posed by AI systems; and
- recommendations on appropriate uses and limitations on the use of AI by state and local governments and the private sector, how the state should educate the public on development and use of AI, and guiding principles for AI use informed by standards established by relevant bodies.

The executive committee must hold its first meeting within 45 days of final appointments to the task force and must meet at least twice each year thereafter. A preliminary report from the task force must be delivered to the Governor and Legislature 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 task force meeting.

Definitions.

The following definitions are established:

- "Artificial intelligence" means the use of machine learning and related technologies that use data to train statistical models for the purpose of enabling computer systems to perform tasks normally associated with human intelligence or perception, such as computer vision, speech or natural language processing, and content generation.
- "Generative artificial intelligence" means an artificial intelligence system that generates novel data or content based on a foundation model.
- "Machine learning" means the process by which artificial intelligence is developed using data and algorithms to draw inferences therefrom to automatically adapt or improve its accuracy without explicit programming.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.