

MINUTES
Approved by the Committee
Artificial Intelligence Working Group
Friday, November 15, 2024
9:00 A.M.
Room EW41
Boise, Idaho

Members in attendance: Cochairs Representative Ehlers and Senator Anthon; Representatives Holtzclaw (remote) and Redman (remote); Senators Ricks (remote), Cook, Adams, and Shippy. Legislative Services Office (LSO) staff: Matt Drake, Christopher Lehosit, Jennifer Kish, and Linda Jensen. Absent and excused: Representatives Wisnewski and McCann.

Others in attendance: Jerry Foils - Boise State University; Amy Johnson - Syringa Networks.

NOTE: Presentations and handouts provided by the presenters/speakers are posted to the Idaho Legislature's website <https://legislature.idaho.gov/sessioninfo/2024/interim> and copies of those items are on file at the Legislative Services Office in the State Capitol. Recordings of the meeting may be available under the committee's listing on the website.

WELCOME AND INTRODUCTIONS

Cochair Jeff Ehlers called the meeting to order at 9:00 a.m. and recognized the committee members in attendance. He ceded the microphone to Cochair Anthon who acknowledged the large audience attendance. A silent roll call was requested.

At 9:05 a.m., **Brad Frazier**, partner at Hawley Troxel law firm, was invited to the podium for his comments to the committee. Mr. Frazier provided his [presentation](#) and experience with AI legalities to the committee.

- Cochair Anthon asked for clarification about protecting items created with AI. Mr. Frazier explained that the *portions* of a work authored by AI had no copyright protection whereas the portions authored by a human would. Portions authored by AI were not protected because the information was often "scraped" from the internet and therefore was not original and not afforded protection; no one individual owns the output of generative AI. It is imperative that authors/creators disclose the portion of their work that were AI generative. Cochair Anthon inquired whether Idaho's law currently protected one's AI generated work, such as a logo. Mr. Frazier explained that a logo led a dual life: it may be protected by trademark but it is not protected by copyright. He added that copyright laws were all at the federal level and not governed by the state.
- Sen. Cook asked for clarification whether a portion of work could be copyrighted or patented. Mr. Frazier answered that yes, one could copyright work, and yes, one could patent work; but only the portion that was human created.
- Cochair Anthon asked what the Legislature should focus on with AI topics. Mr. Frazier offered that the state should look at content NDAs or trade secret issues.
- Sen. Adams inquired whether there was any legislation that required disclosing where the AI gathered its information. Mr. Frazier replied that there was none currently.
- Sen. Shippy asked about a situation where AI was used for construction or engineering or even within a company (such as the bidding process). Mr. Frazier explained that if a business used AI to develop something, when the company is sold, that item is not owned by the company and cannot be protected.
- Sen. Adams queried whether there was any regulation on the accuracy of AI information. Mr. Frazier replied that he was not aware of any litigation regarding negligence using AI; additionally,

he was not aware of any regulation that AI must be properly trained or whether it must be disclosed where it was trained.

- Cochair Ehlers asked whether *robots.txt* language was being ignored by companies and information was being scraped illegally. Mr. Frazier responded that, if it is ignored, that was a copyright infringement or a breach of contract, if one had an anti-scraping provision. However, there was no law to abide by the *robots.txt* language.
- Sen. Ricks asked whether one could determine if their website has been scraped. Mr. Frazier explained that (forensically) one could use cybersecurity to identify visitors to your website and identify what was viewed/scraped and one could (practically) wait to see if your website info appears elsewhere in an AI. Sen. Ricks asked whether there were any tools to track scraping. Mr. Frazier was not aware of any.

At 9:50 a.m., **Chris Ritter**, Director of DICE and Dept. Manager of Digital Engineering at the Idaho National Laboratory (INL), provided his comments and his presentation [Artificial Intelligence for Applied Energy Applications](#) to the committee.

- Sen. Cook inquired about the amount of AI used by China for nuclear development. Mr. Ritter responded that China had made huge invests in commercial nuclear development using its own AI. He noted that many individuals from other countries were educated in the U.S. and that other countries were quicker to use AI in application but the U.S. possessed better science.
- Cochair Anthon, recognizing the amount of energy needed to operate AI intelligence, inquired: 1) what does that look like for Idaho, and 2) what would be the source for that increased energy need. Mr. Ritter responded that Idaho already had data centers (Meta), chip production (Micron), and computer testing and micro-reactor testing (INL). He noted that Idaho was at the intersection of needing power and creating power at the same time.
- Sen. Cook restated the quote: AI will not replace you but someone who understands AI will. He asked what recommendations Mr. Ritter had for the policies and ethics of using AI and how the Legislature could temper the use of AI. Mr. Ritter cautioned over-regulating the use of AI since Idaho was such a leader in tech, and that drew companies in an economic way. He encouraged the inclusion of AI in educational curriculums at the high school and college levels to teach students how to use AI correctly.
- Cochair Anthon inquired about the concerns of AI ascension. Mr. Ritter suggested that multiple AI models should be used in order to expose inaccuracies; additionally, not to trust AI completely or as the sole source.
- Cochair Ehlers inquired about a policy of using AI for state employees. Mr. Ritter shared that INL had a *lot* of policies about the use of AI as an employee. He noted that the policy required employees to disclose when AI was used on department products, reports, etc. and that there was a general policy for employees. Cochair Ehlers asked whether INL was connected to the internet. Mr. Ritter explained that the operating system was separate from the internet and run locally along with encryption and firewalls.
- Sen. Ricks asked about the use of AI in government operation. Mr. Ritter noted that it could be used to quickly review information and provide summarizations, to grammatically edit reports, and to protect data from being "scraped."

At 10:39 a.m., **Erick Herring**, Chief Technology Officer for VVNYL, was invited to the podium for his comments and presentation [Artificial Intelligence](#) to the committee.

- Sen. Cook inquired about the top issues that the Legislature should consider in regards to AI. Mr. Herring suggested to not over-regulate the use of AI, to embrace education on the use of AI, to create mandates on data sharing and data collection, and to address suboptimal uses and oversight on its use.

- Cochair Anthon asked for more information about "smart cities" as mentioned in the presentation. Mr. Herring explained that cities used AI to study the amount and flow of traffic, to identify high-crime areas or vehicle accident areas, to evaluate the integrity of bridges, to identify gunshots to authorities, and to study pedestrian traffic to better design city layout, zoning, and business locations.
- Cochair Anthon expressed concern about allowing AI to determine legal sentencing for crimes.

Cochair Ehlers asked the committee to identify other topics or issues that the committee should consider at future meetings.

- Sen. Cook asked about the committee's goal or end result. Cochair Ehlers stated that the committee's directive was to understand existing uses of AI and to consider what state policies, if any, should be enacted.
- Sen. Cook suggested having Alberto Gonzalez, Director of the state's Office of Information Technology Services (ITS) speak to the committee about how the state is using AI currently.
- Cochair Anthon suggested a presentation from National Conference of State Legislatures (NCSL) staff to provide a look at how other states are using AI and policies regarding AI.
- Sen. Cook added the use of AI in education: how it could be used by teachers/professors and how to educate students to use it.

With no further business, the meeting was adjourned at 11:40 a.m.