

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 568, As Amended

BY ENVIRONMENT, ENERGY AND TECHNOLOGY COMMITTEE

AN ACT

1 RELATING TO THE ARTIFICIAL INTELLIGENCE ADVISORY COUNCIL; AMENDING TITLE
2 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 97, TITLE 67, IDAHO
3 CODE, TO DEFINE TERMS, TO ESTABLISH THE IDAHO ARTIFICIAL INTELLIGENCE
4 ADVISORY COUNCIL, TO PROVIDE FOR POWERS AND DUTIES OF THE COUNCIL, TO
5 REQUIRE INVENTORY REPORTS REGARDING AUTOMATED DECISION SYSTEMS EM-
6 PLOYED BY STATE AGENCIES, TO PROVIDE FOR THE APPOINTMENT OF COUNCIL
7 MEMBERS AND COUNCIL MEETING REQUIREMENTS, AND TO PROVIDE A SUNSET DATE;
8 AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended
12 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
13 ter 97, Title 67, Idaho Code, and to read as follows:

14 CHAPTER 97

15 ARTIFICIAL INTELLIGENCE ADVISORY COUNCIL

16 67-9701. DEFINITIONS. As used in this chapter:

17 (1) "Algorithm" means a computerized procedure consisting of a set of
18 steps used to accomplish a determined task.

19 (2) "Artificial intelligence systems" means systems capable of:

20 (a) Perceiving an environment through data acquisition and processing
21 and interpreting the derived information to take an action or actions or
22 to imitate intelligent behavior given a specific goal; and

23 (b) Learning and adapting behavior by analyzing how the environment is
24 affected by prior actions.

25 (3) "Automated decision system" means an algorithm, including an algo-
26 rithm incorporating machine learning or other artificial intelligence tech-
27 niques, that uses data-based analytics to make or support governmental deci-
28 sions, judgments, or conclusions.

29 (4) "Automated final decision system" means an automated decision sys-
30 tem that makes final decisions, judgments, or conclusions without human in-
31 tervention.

32 (5) "Automated support decision system" means an automated decision
33 system that provides information to inform the final decision, judgment, or
34 conclusion of a human decision maker.

35 (6) "Council" means the artificial intelligence advisory council es-
36 tablished pursuant to this chapter.

37 67-9702. ARTIFICIAL INTELLIGENCE ADVISORY COUNCIL. (1) There is
38 hereby created the Idaho artificial intelligence advisory council. The
39 council shall be composed of ten (10) members; two (2) members of the
40 majority party and one (1) member of the minority party of the house of rep-

1 representatives appointed by the speaker of the house of representatives, two
2 (2) members of the majority party and one (1) member of the minority party
3 of the senate appointed by the president pro tempore of the senate, and the
4 following four (4) members appointed by the governor: an ethics profes-
5 sional with prior experience in artificial intelligence who is employed by a
6 public or private institution; an artificial intelligence professional who
7 is employed by a public or private institution and specializes in artificial
8 intelligence systems; an expert on law enforcement usage of artificial in-
9 telligence systems; and an expert in constitutional and legal rights.

10 (2) The administrator of the office of information technology ser-
11 vices, or such administrator's designee, shall serve as a technical advisor
12 to the council. The administrator may retain outside advisors to assist in
13 this advisory role in any specialty that the administrator determines would
14 assist in this advisory role, including individuals specializing in arti-
15 ficial intelligence, fair use law, ethics, law enforcement, and criminal
16 justice.

17 (3) One (1) of the council members appointed by the speaker of the house
18 of representatives and one (1) of the council members appointed by the presi-
19 dent pro tempore of the senate shall serve as cochairs of the council.

20 (4) The council shall meet at the call of the cochairs.

21 67-9703. POWERS AND DUTIES OF THE COUNCIL. The council shall have the
22 following powers and duties:

23 (1) To study and monitor artificial intelligence systems developed,
24 employed, or procured by state agencies. This shall include but is not lim-
25 ited to:

26 (a) Assessing the need for a state code of ethics for artificial intel-
27 ligence systems in state government;

28 (b) Reviewing automated decision systems inventory reports submitted
29 by state agencies pursuant to section 67-9704, Idaho Code, including a
30 review of:

31 (i) The effect of the automated decision systems on the constitu-
32 tional or legal rights, duties, or privileges of the residents of
33 this state; and

34 (ii) The potential benefits, liabilities, or risks that this
35 state could incur as a result of implementing the automated deci-
36 sion systems; and

37 (c) Recommending administrative actions that state agencies may take
38 without further legislative authorization;

39 (2) To advise the governor, legislature, and state departments and
40 agencies of the nature, magnitude, and priorities of issues regarding arti-
41 ficial intelligence;

42 (3) To advise the governor, legislature, and state departments and
43 agencies on, and assist in the development and implementation of, cooper-
44 ative policies, programs, and procedures focusing on artificial intelli-
45 gence;

46 (4) To establish advisory committees on special subjects or projects;

47 (5) To submit a report to the legislature, no later than December 1,
48 2024, that includes:

- 1 (a) A summary of the council's findings after reviewing the auto-
 2 mated decision systems inventory reports submitted pursuant to section
 3 67-9704, Idaho Code;
 4 (b) A summary of the recommendations of any relevant national bodies on
 5 artificial intelligence systems in state government;
 6 (c) An assessment of the impact of using artificial intelligence sys-
 7 tems in state government on the liberty, finances, livelihood, and pri-
 8 vacy interests of the residents of this state;
 9 (d) Recommendations of any policies necessary to:
 10 (i) Protect the privacy and interests of the residents of this
 11 state from any diminution caused by employment of artificial in-
 12 telligence systems by state government;
 13 (ii) Ensure that the residents of this state are free from unfair
 14 discrimination caused or compounded by the employment of artifi-
 15 cial intelligence systems in state government; and
 16 (iii) Promote workforce knowledge of artificial intelligence
 17 technology and the development of ethical artificial intelligence
 18 systems in state government;
 19 (e) Recommendations for any legislation to support proposed policies
 20 or other suggested activities relevant to the recommendations outlined
 21 pursuant to paragraph (d) of this subsection; and
 22 (f) Any other information that the council considers relevant; and
 23 (6) To make bylaws for its own governance and procedure consistent with
 24 the laws of this state.

- 25 67-9704. AUTOMATED DECISION SYSTEMS INVENTORY REPORT. (1) No later
 26 than October 1, 2024, each agency in the executive and legislative branches
 27 of state government using money appropriated to the agency by this state
 28 shall submit an inventory report of all automated decision systems that are
 29 being developed, employed, or procured by the agency. For each automated
 30 decision system, the inventory report must include a description of:
 31 (a) The name and vendor of the automated decision system, if any;
 32 (b) The automated decision system's general capabilities, including:
 33 (i) Reasonably foreseeable capabilities outside the scope of the
 34 agency's proposed use; and
 35 (ii) Whether the automated decision system is used or may be used
 36 for independent decision-making powers and the impact of those de-
 37 cisions on the residents of this state; and
 38 (c) The types of data inputs that the technology uses;
 39 (d) How the data described in paragraph (c) of this subsection is gener-
 40 ated, collected, and processed;
 41 (e) The types of data the automated decision system is reasonably
 42 likely to generate;
 43 (f) Whether the automated decision system has been tested by an inde-
 44 dependent third party, has a known bias, or is untested for bias;
 45 (g) The purpose and proposed use of the automated decision system, in-
 46 cluding:
 47 (i) The decisions the automated decision system will be used to
 48 make or support;

- 1 (ii) Whether the automated decision system is an automated final
2 decision system or an automated support decision system; and
3 (iii) The automated decision system's intended benefits, includ-
4 ing any data or research relevant to the outcome of those results;
5 (h) How automated decision system data is securely stored and processed
6 and whether the agency intends to share access to the automated decision
7 system or data from that automated decision system with any other en-
8 tity, and why; and
9 (i) The information technology fiscal impacts of the automated deci-
10 sion system, including:
11 (i) Initial acquisition costs and ongoing operating costs, such
12 as maintenance, licensing, personnel, legal compliance, use au-
13 diting, data retention, and security costs;
14 (ii) Any cost savings that would be achieved through the use of the
15 technology; and
16 (iii) Any current or potential sources of funding, including any
17 subsidies or free products being offered by vendors or governmen-
18 tal entities.
19 (2) No later than September 1, 2024, the council shall prescribe the
20 form, contents, and manner of submission of the automated decision systems
21 inventory report required pursuant to this section.
22 (3) Each agency shall submit the report required pursuant to this sec-
23 tion to the council and the standing committees of the senate and house of
24 representatives with primary jurisdiction over state agency information
25 technology.

26 67-9705. APPOINTMENT OF COUNCIL MEMBERS AND MEETINGS. (1) As soon as
27 practicable after July 1, 2024, but no later than August 1, 2024, the appro-
28 priate appointing authorities shall appoint the members to the artificial
29 intelligence advisory council as required by section 67-9702, Idaho Code.

30 (2) The committee shall meet at least twice a year and may be called for
31 special meetings by the cochairs of the committee. Six (6) members shall
32 constitute a quorum. Members of the committee shall be compensated as pro-
33 vided by the citizens' committee on legislative compensation in the same
34 manner as interim legislative meetings, which compensation shall be paid
35 from the legislative account.

36 (3) Notwithstanding any other provision of law to the contrary, the
37 committee, acting through the cochairs, may utilize staff and resources
38 within state government.

39 67-9706. SUNSET. The provisions of this chapter shall be null, void,
40 and of no force and effect on and after January 1, 2027.

41 SECTION 2. An emergency existing therefor, which emergency is hereby
42 declared to exist, this act shall be in full force and effect on and after
43 July 1, 2024.