Joint Commission on Technology and Science

Artificial Intelligence Subcommittee

September 3, 2024, at 1:00 p.m.

House South Subcommittee Room, Room 210, General Assembly Building

http://dls.virginia.gov/commissions/jcots/jcots.htm

The Artificial Intelligence Subcommittee (the Subcommittee) of the Joint Commission on Technology and Science (the Joint Commission) met in Richmond with Senator Adam P. Ebbin, chair, presiding.[1] The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the *Joint Commission's meetings webpage*.

Subcommittee Interim Work Plan Update
Staff Counsel

Staff presented the Subcommittee with an update to the proposed interim work plan that it received at its last meeting. The initial work plan included six bills for the Subcommittee's consideration and a proposed meeting schedule, and the updated interim work plan included a revised meeting schedule.

Presentation: An Outline of Potential Artificial Intelligence Legislation
Gates Palissery, PhD Candidate, Virginia Tech, COVES Fellow, Office of Senator Lashrecse D. Aird

Ms. Palissery presented on artificial intelligence (AI) and outlined potential AI legislation. She spoke about SB 487 (Aird, 2024) and HB 747 (Maldonado, 2024), providing a comprehensive overview of each bill. She also detailed what comprehensive AI legislation may entail based on bills proposed in Virginia and other states, including Colorado, Connecticut, and Maryland, and why the Commonwealth should favor an opt-in approach as opposed to an opt-out approach to data being used to train future models of AI.

After the presentation, the Subcommittee members discussed the civil penalty provision in HB 747, which depends upon the Attorney General's enforcement and results in a civil penalty ranging from $1,000 to $10,000 for anyone who willfully violates any provision of the bill, and considered potential recommendations for SB 487 and HB 747.

Discussion: SB 487

Senator Aird spoke to her bill SB 487 and proposed that the Subcommittee recommend a more comprehensive bill focusing on a state government approach to the use of artificial intelligence by public bodies in the Commonwealth as opposed to a local government approach. She also clarified that the work of a Commission on Artificial Intelligence, which her bill called for an assessment on creating, could overlap with the work of the Joint Commission.

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[1] **Members Present:** Senator Adam P. Ebbin (chair), Senator Lashrecse D. Aird, Delegate Michelle Lopes Maldonado

Members Absent: Delegate Anne Ferrell Tata

The Subcommittee members discussed whether the Subcommittee should recommend the formation of new commissions or provide the Joint Subcommittee with the means to efficiently study and advise the General Assembly on issues related to the use of artificial intelligence by public bodies in the Commonwealth, and the suggestion was made that new commissions would allow for citizen members to contribute expertise on the matters being analyzed.

Discussion: HB 747

Delegate Maldonado spoke to her bill HB 747 and emphasized that the Artificial Intelligence Developer Act would not be limited to the public sector, but rather industry agnostic. It also plans to look at how AI is developed and deployed across the Commonwealth. She also stated that her goal is to move forward with adjustments to the definitions included in the bill.

Other Business

Senator Ebbin directed staff to work with Senator Aird and Delegate Maldonado to draft potential language, merging the two bills, to present at the next meeting. Senator Ebbin also directed staff to invite stakeholders from the Virginia IT Agency, Virginia Municipal League, and Virginia Association of Counties, for engagement at the subcommittee's next meeting.

Next Meeting

The next meeting of the Subcommittee is scheduled for September 16, 2024, at 1:00 p.m.

For more information, see the *Joint Commission's website* or contact the Division of Legislative Services staff:

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