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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

Introduced By: Representatives McNamara, and Potter

Date Introduced: January 26, 2022

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 162

4 COMMISSION TO MONITOR THE USE OF ARTIFICIAL INTELLIGENCE IN STATE

5 GOVERNMENT

6 **42-162-1. Definitions.**

7 As used in this chapter, the following words shall have the following meanings unless the
8 context clearly requires otherwise:

9 (1) "Algorithm" means a specific procedure, set of rules, or order of operations designed
10 to solve a problem or make a calculation, classification, or recommendation.

11 (2) "Artificial intelligence" means computerized methods and tools, including, but not
12 limited to, machine learning and natural language processing, that act in a way that resembles
13 human cognitive abilities when it comes to solving problems or performing certain tasks.

14 (3) "Automated decision system" means any computer program, method, statistical model,
15 or process that aims to aid or replace human decision-making using algorithms or artificial
16 intelligence. These systems can include analyzing complex datasets about human populations and
17 government services or other activities to generate scores, predictions, classifications, or
18 recommendations used by agencies to make decisions that impact human welfare.

19 (4) "Office," "Rhode Island," or "state" means any agency, constitutional office,

1 department, board, commission, bureau, division or authority of the State of Rhode Island, or of
2 any political subdivision thereof, or of any authority established by the general assembly to serve
3 a public purpose.

4 (5) "Source code" means the structure of a computer program that can be read and
5 understood by people.

6 (6) "Training data" means the data used to inform the development of an automated
7 decision system and the decisions or recommendations it generates.

8 **42-162-2. Commission established.**

9 (a) There is hereby established within the department of administration a permanent
10 commission to monitor the use of artificial intelligence in state government, for the purpose of
11 continuously studying, monitoring, and making recommendations relative to the use by the state of
12 automated decision systems that may affect human welfare, including, but not limited to, the legal
13 rights and privileges of individuals.

14 (b) In carrying out its work, the commission shall examine the following on an ongoing
15 basis:

16 (1) A complete and specific survey of all uses of automated decision systems by the State
17 of Rhode Island and the purposes for which such systems are used;

18 (2) The principles, policies, and guidelines adopted by specific Rhode Island offices to
19 inform the procurement, evaluation, and use of automated decision systems, the procedures by
20 which such principles, policies, and guidelines are adopted, and any gaps in such principles,
21 policies, and guidelines;

22 (3) The training specific Rhode Island offices provide to individuals using automated
23 decision systems, the procedures for enforcing the principles, policies, and guidelines regarding
24 their use, and any gaps in training or enforcement;

25 (4) The manner by which Rhode Island offices validate and test the automated decision
26 systems they use, and the manner by which they evaluate those systems on an ongoing basis,
27 specifying the training data, input data, systems analysis, studies, vendor or community
28 engagement, third parties, or other methods used in such validation, testing, and evaluation;

29 (5) Matters related to the transparency, explicability, auditability, and accountability of
30 automated decision systems, including information about their structure; the processes guiding their
31 procurement, implementation and review; whether they can be audited externally and
32 independently; and the people who operate such systems and the training they receive;

33 (6) The manner and extent to which Rhode Island offices make the automated decision
34 systems they use available to external review, and any existing policies, laws, procedures, or

1 guidelines that may limit external access to data or technical information that is necessary for
2 audits, evaluation, or validation of such systems;

3 (7) The due process rights of individuals directly affected by automated decision systems,
4 and the public disclosure and transparency procedures necessary to ensure such individuals are
5 aware of the use of the systems and understand their related due process rights;

6 (8) Uses of automated decision systems that directly or indirectly result in disparate
7 outcomes for individuals or communities based on age, race, creed, color, religion, national origin,
8 gender, disability, sexual orientation, marital status, veteran status, receipt of public assistance,
9 economic status, location of residence, or citizenship status;

10 (9) Technical, legal, or policy controls to improve the just and equitable use of automated
11 decision systems and mitigate any disparate impacts deriving from their use, including best
12 practices and policies developed through research and academia or in other states and jurisdictions;

13 (10) Matters related to data sources, data sharing agreements, data security provisions,
14 compliance with data protection laws and regulations, and all other issues related to how data is
15 protected, used, and shared by agencies using automated decision systems;

16 (11) Matters related to automated decision systems and intellectual property, such as the
17 existence of non-disclosure agreements, trade secrets claims, and other proprietary interests, and
18 the impacts of intellectual property considerations on transparency, explicability, auditability,
19 accountability, and due process; and

20 (12) Any other opportunities and risks associated with the use of automated decision
21 systems by Rhode Island offices.

22 **42-162-3. Composition.**

23 (a) The commission shall consist of the secretary of commerce, or designee; the director of
24 the department of administration, or designee, who shall be the chairperson of the commission; the
25 director of the department of business regulation, or designee; the chief justice of the state supreme
26 court or designee; the attorney general or designee; the director of the department of children,
27 youth, and families, or designee; the secretary of the executive office of health and human services,
28 or designee; the Rhode Island public defender, or designee; the president of the Rhode Island Bar
29 Association or designee; four (4) representatives from academic institutions in the state who shall
30 be experts in:

31 (1) Artificial intelligence and machine learning;

32 (2) Data science and information policy;

33 (3) Social implications of artificial intelligence and technology; or

34 (4) Technology and the law, to be appointed by the governor, after consulting with the

1 commissioner of post-secondary education; the commissioner of elementary and secondary
2 education, or designee; and one representative to be appointed by the board of education;

3 (b) Members of the commission shall be appointed within forty-five (45) days of the
4 effective date of this chapter. The commission shall meet at the call of the chair based on the
5 commission's workload but not fewer than six (6) times per calendar year. Members who are
6 secretaries, directors, elected officials, commissioners, and members of the judiciary, as well as the
7 president of the Rhode Island Bar Association and the public defender, shall serve for so long as
8 they hold their position. All other members shall be appointed for a term of three (3) years, which
9 appointments may be renewed.

10 **42-162-4. Annual report.**

11 The commission shall submit an annual report by December 31 of each year to the governor
12 and to the clerks of the house of representatives and the senate. The report will be a public record
13 and it shall include, but not be limited to, a description of the commission's activities and any
14 community engagement undertaken by the commission, the commission's findings, and any
15 recommendations for regulatory or legislative action, including recommendations about areas
16 where Rhode Island offices ought to use and not to use automated decision systems, with a timeline
17 for implementation, cost estimates and finance mechanisms. The report shall also detail the extent
18 of algorithmic decision-making used by the State of Rhode Island and the progress made toward
19 implementing any previous recommendations issued by the commission.

20 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT

1 This act would establish a permanent commission to monitor the use of artificial
2 intelligence in state government to make state government policy and other decisions. The act
3 would also direct the commission to make recommendations regarding changes in the way state
4 government uses artificial intelligence.

5 This act would take effect upon passage.

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