

2023 HB1132 Sponsor Testimony Tech and Sci.pdf

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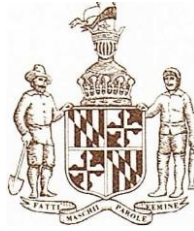
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Health and Government
Operations Committee

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Public Health and Minority
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THE MARYLAND HOUSE OF DELEGATES

ANNAPOLIS, MARYLAND 21401

March 16, 2023

HB1132 State Government - Technology and Science Advisory Commission - Established

Chairman Barnes, Vice-chair Chang, and Committee Members,

HB1132 would establish the Technology and Science Advisory Commission to study advancing technology and make recommendations on the applications of technology and science in and by the state. The goal is to lessen Maryland's future need to react to, and remedy, unintended consequences of policies, systems, and actions which, in retrospect, were ill advised or inadequately informed. The analyses and recommendations the Commission will support more deliberate implementation and administration of procedures, particularly where algorithmic design is used in designing programs, procuring operational tools, and conducting policy.

There are obvious application benefits to having such a resource available - a think tank, of sorts, drawn from tech and science experts from academia, private, and public sectors, across broad areas of expertise, who are not only engaging in the latest science and technology but also in developing it.

As important as it is that Maryland be timely in adaptation of emerging technologies and avoid allowing antiquated systems to undermine efficiencies and effectiveness, it is equally important that we are alert to the dangers of too rapid adaptation and understand the emerging risk associated with specific innovations. The Commission would facilitate the studying of rapidly evolving technologies and how we can apply it more responsibly, and help ensure adequate and appropriately updated oversight, monitoring, and security are also in place. This is especially important with the increased use of automated systems and artificial intelligence. Innovators are not known for prioritizing sussing out potentially harmful effects of their products. They're focused on the potential benefits. We, on the other hand, cannot afford to be so starry-eyed; our responsibilities are greater and there is much on the line.

I am pleased to see state agencies recognizing the growing impacts of this type of technology and science and the importance of being more forward looking in our use. I view the request from Maryland's Office of the Public Defender, that they, as well as the Department of Public Safety and Corrections, Department of Juvenile Services, and the Attorney General, be given Commission representation.

On issues as divergent as an inmates' likelihood to reoffend if paroled, to which job candidate should be offered a position, to the appropriateness of the use of facial recognition systems in policing and law enforcement, to the determination of which patients will be offered a particular procedure or therapy, decisions are being made every day in which historic prejudices belie our best efforts to correct the harms of our past. We can either do better or continue expending energy and resources to either mitigate or undo damage from biases inadvertently baked into our operations that target, disqualify, or handicap individuals based both on articulated and unspoken presumptions and on the reinforcement of traditionally unquestioned assumptions. **HB1132** is a good start to doing better. I urge a favorable report.

A handwritten signature in black ink, appearing to read "Terri Hill", with a stylized flourish at the end.

The Markup.Article on Legislating AI.pdf

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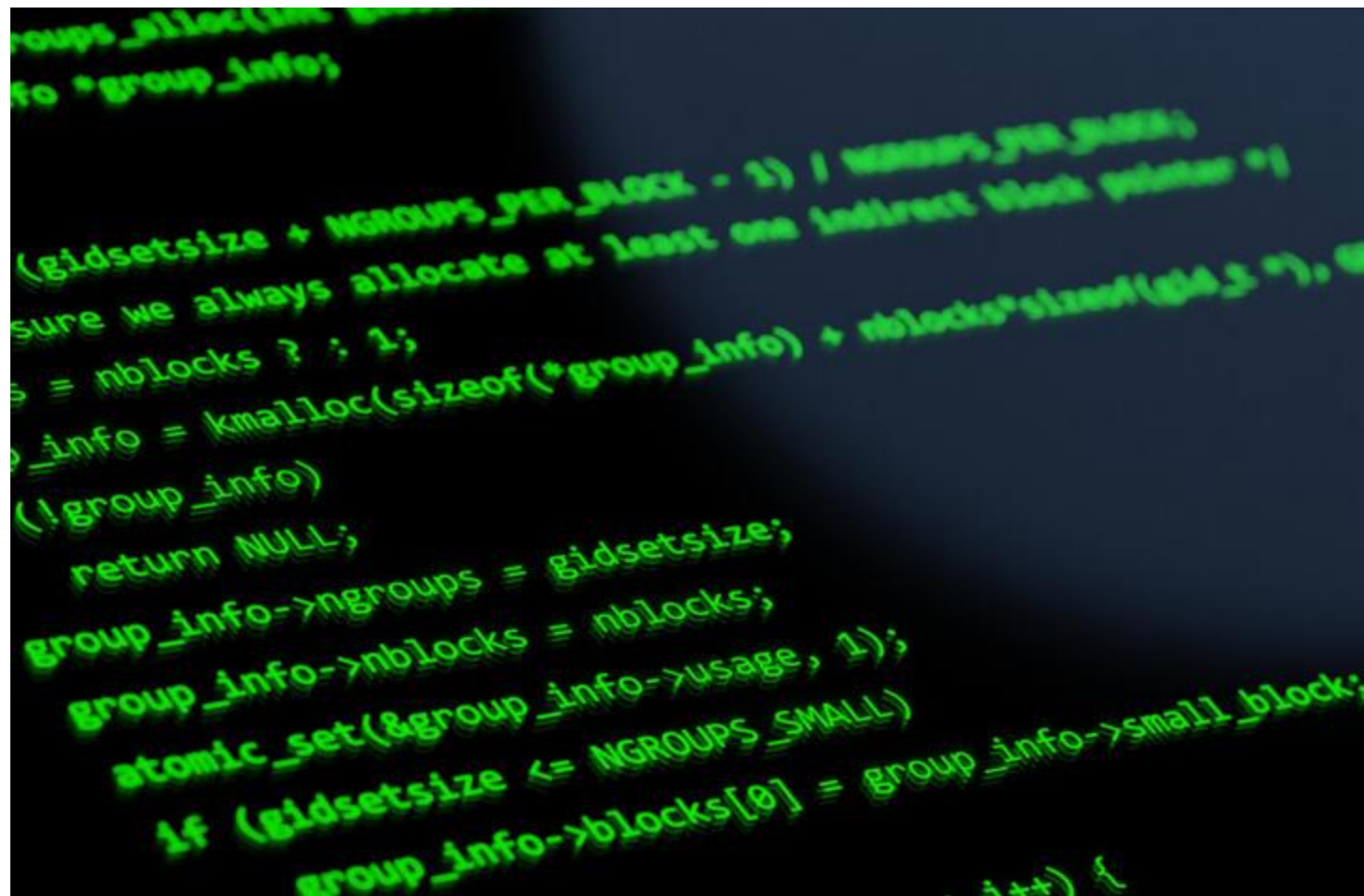
Big Tech Is Watching You. We're Watching Big Tech.

News

Why It's So Hard to Regulate Algorithms

Governments increasingly use algorithms to do everything from assign benefits to dole out punishment—but attempts to regulate them have been unsuccessfulBy [Todd Feathers](#)

January 4, 2022 08:00 ET



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In 2018, the New York City Council created a task force to study the city's use of automated decision systems (ADS). The concern: Algorithms, not just in New York but around the country, were increasingly being employed by government agencies to do everything from informing criminal sentencing and detecting unemployment fraud to prioritizing child abuse cases and distributing health benefits. And lawmakers, let alone the people governed by the automated decisions, knew little about how the calculations were being made.

Rare glimpses into how these algorithms were performing were not comforting: In several states, algorithms used to determine how much help residents will receive from home health aides have [automatically cut benefits](#) for thousands. Police departments across the country use the PredPol software to predict where future crimes will occur, but the program [disproportionately sends police](#) to Black and Hispanic neighborhoods. And in Michigan, an algorithm designed to detect fraudulent unemployment claims famously improperly flagged thousands of applicants, forcing residents who should have received assistance to [lose their homes and file for bankruptcy](#).

Report Deeply and Fix Things



Because it turns out moving fast and breaking things broke some super important things.

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New York City's was the first legislation in the country aimed at shedding light on how government agencies use artificial intelligence to make decisions about people and policies.

At the time, the creation of the task force was heralded as a "[watershed moment](#)" that would usher in a new era of oversight. And indeed, in the four years since, a steady stream of reporting about the harms caused by high-stakes algorithms has prompted lawmakers across the country to introduce nearly 40 bills designed to study or regulate government agencies' use of ADS, according to The Markup's review of state legislation.

The bills range from proposals to create study groups to requiring agencies to audit algorithms for bias before purchasing systems from vendors. But the dozens of reforms proposed have shared a common fate: They have largely either died immediately upon introduction or expired in committees after brief hearings, according to The Markup's review.

In New York City, that initial working group took two years to make a set of broad, nonbinding recommendations for further research and oversight. One task force member described the endeavor as a "[waste.](#)" The group [could not even agree on a definition](#) for automated decision systems, and several of its members, at the time and since, have said they did not believe city agencies and officials had bought into the process.

Elsewhere, nearly all proposals to study or regulate algorithms have failed to pass. Bills to create study groups to examine the use of algorithms failed in Massachusetts, New York state, California, Hawaii, and Virginia. Bills requiring audits of algorithms or prohibiting algorithmic discrimination have died in California, Maryland, New Jersey, and Washington state. In several cases—California, New Jersey, Massachusetts, Michigan, and Vermont—ADS oversight or study bills remain pending in the legislature, but their prospects this session are slim, according to sponsors and advocates in those states.

The only state bill to pass so far, [Vermont's](#), created a task force whose recommendations—to form a permanent AI commission and adopt regulations—have so far been ignored, state representative Brian Cina told The Markup.

The Markup interviewed lawmakers and lobbyists and reviewed written and oral testimony on dozens of ADS bills to examine why legislatures have failed to regulate these tools.

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We found two key through lines: Lawmakers and the public lack fundamental access to information about what algorithms their agencies are using, how they're designed, and how significantly they influence decisions. In many of the states The Markup examined, lawmakers and activists said state agencies had rebuffed their attempts to gather basic information, such as the names of tools being used.

Meanwhile, Big Tech and government contractors have successfully derailed legislation by arguing that proposals are too broad—in some cases claiming they would prevent public officials from using calculators and spreadsheets—and that requiring agencies to examine whether an ADS system is discriminatory would kill innovation and increase the price of government procurement.

[↔ link](#)

Lawmakers Struggled to Figure Out What Algorithms Were Even in Use

One of the biggest challenges lawmakers have faced when seeking to regulate ADS tools is simply knowing what they are and what they do.

Following its task force's landmark report, New York City conducted a [subsequent survey](#) of city agencies. It resulted in a list of only 16 automated decision systems across nine agencies, which members of the task force told The Markup they suspect is a severe underestimation.

“We don't actually know where government entities or businesses use these systems, so it's hard to make [regulations] more concrete,” said Julia

Stoyanovich, a New York University computer science professor and task force member.

In 2018, Vermont became the first state to [create its own ADS study group](#). At the conclusion of its work in 2020, the [group reported that](#) “there are examples of where state and local governments have used artificial intelligence applications, but in general the Task Force has not identified many of these applications.”

“Just because nothing popped up in a few weeks of testimony doesn’t mean that they don’t exist,” said Cina. “It’s not like we asked every single state agency to look at every single thing they use.”

The results we’re getting are straight-up non-responses or truly pulling teeth about every little thing.

Ben Winters, Electronic Privacy Information Center

In February, he introduced a bill that would have required the state to develop basic standards for agency use of ADS systems. It has sat in committee without a hearing since then.

In 2019, the Hawaii Senate [passed a resolution](#) requesting that the state convene a task force to study agency use of artificial intelligence systems, but the resolution was nonbinding and no task force convened, according to the Hawaii Legislative Reference Bureau. Legislators tried to pass a binding resolution again the next year, [but it failed](#).

Legislators and advocacy groups who authored ADS bills in California, Maryland, Massachusetts, Michigan, New York, and Washington told The Markup that they have no clear understanding of the extent to which their state agencies use ADS tools.

Advocacy groups like the Electronic Privacy Information Center (EPIC) that have attempted to survey government agencies regarding their use of ADS systems say they routinely receive incomplete information.

“The results we’re getting are straight-up non-responses or truly pulling teeth about every little thing,” said Ben Winters, who leads EPIC’s AI and Human Rights Project.

We thought it was a simple ask.

Jennifer Lee, ACLU of Washington

In Washington, after an ADS regulation bill failed in 2020, the legislature created a study group tasked with making recommendations for future legislation. The ACLU of Washington proposed that the group should survey state agencies to gather more information about the tools they were using, but the study group rejected the idea, according to [public minutes](#) from the group's meetings.

“We thought it was a simple ask,” said Jennifer Lee, the technology and liberty project manager for the ACLU of Washington. “One of the barriers we kept getting when talking to lawmakers about regulating ADS is they didn't have an understanding of how prevalent the issue was. They kept asking, ‘What kind of systems are being used across Washington state?’ ”

[↔ link](#)

Lawmakers Say Corporate Influence a Hurdle

Washington's most recent bill has stalled in committee, but an updated version will likely be reintroduced this year now that the study group has [completed its final report](#), said state senator Bob Hasegawa, the bill's sponsor

The legislation would have required any state agency seeking to implement an ADS system to produce an algorithmic accountability report disclosing the name and purpose of the system, what data it would use, and whether the system had been independently tested for biases, among other requirements.

The bill would also have banned the use of ADS tools that are discriminatory and required that anyone affected by an algorithmic decision be notified and have a right to appeal that decision.

“The big obstacle is corporate influence in our governmental processes,” said Hasegawa. “Washington is a pretty high-tech state and so corporate high tech has a lot of influence in our systems here. That's where most of the pushback has been coming from because the impacted communities are pretty much unanimous that this needs to be fixed.”

The big obstacle is corporate influence in our governmental processes.

Washington state senator Bob Hasegawa

California's bill, which is similar, is still pending in committee. It encourages, but does not require, vendors seeking to sell ADS tools to government agencies to submit an ADS impact report along with their bid, which would include similar disclosures to those required by Washington's bill.

It would also require the state's Department of Technology to post the impact reports for active systems on its website.

Led by the California Chamber of Commerce, 26 industry groups—from big tech representatives like the Internet Association and TechNet to organizations representing banks, insurance companies, and medical device makers—signed on to a [letter](#) opposing the bill.

“There are a lot of business interests here, and they have the ears of a lot of legislators,” said Vincent Le, legal counsel at the nonprofit Greenlining Institute, who helped author the bill.

Originally, the Greenlining Institute and other supporters sought to regulate ADS in the private sector as well as the public but quickly encountered pushback.

“When we narrowed it to just government AI systems we thought it would make it easier,” Le said. “The argument [from industry] switched to ‘This is going to cost California taxpayers millions more.’ That cost angle, that innovation angle, that anti-business angle is something that legislators are concerned about.”

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Number of industry groups that signed on to a letter opposing California's ADS bill.

The California Chamber of Commerce declined an interview request for this story but provided a copy of the letter signed by dozens of industry groups

opposing the bill. The letter states that the bill would “discourage participation in the state procurement process” because the bill encourages vendors to complete an impact assessment for their tools. The letter said the suggestion, which is not a requirement, was too burdensome. The chamber also argued that the bill’s definition of automated decision systems was too broad.

Industry lobbyists have repeatedly criticized legislation in recent years for overly broad definitions of automated decision systems despite the fact that the definitions mirror those used in internationally recognized [AI ethics frameworks](#), [regulations in Canada](#), and [proposed regulations](#) in the European Union.

During a committee hearing on Washington’s bill, James McMahan, policy director for the Washington Association of Sheriffs and Police Chiefs, told legislators he believed the bill would apply to “most if not all” of the state crime lab’s operations, including DNA, fingerprint, and firearm analysis.

Internet Association lobbyist Vicki Christophersen, testifying at the same hearing, suggested that the bill would prohibit the use of red light cameras. The Internet Association did not respond to an interview request.

“It’s a funny talking point,” Le said. “We actually had to put in language to say this doesn’t include a calculator or spreadsheet.”

Maryland’s bill, which died in committee, would also have required agencies to produce reports detailing the basic purpose and functions of ADS tools and would have prohibited the use of discriminatory systems.

We’re not telling you you can’t [use ADS]. We’re just saying identify what your biases are up front....

Maryland delegate Terri Hill

“We’re not telling you you can’t do it [use ADS],” said Delegate Terri Hill, who sponsored the Maryland bill. “We’re just saying identify what your biases are up front and identify if they’re consistent with the state’s overarching goals and with this purpose.”

The Maryland Tech Council, an industry group representing small and large technology firms in the state, opposed the bill, arguing that the prohibitions

against discrimination were premature and would hurt innovation in the state, according to written and oral testimony the group provided.

“The ability to adequately evaluate whether or not there is bias is an emerging area, and we would say that, on behalf of the tech council, putting in place this at this time is jumping ahead of where we are,” Pam Kasemeyer, the council’s lobbyist, said during a March committee hearing on the bill. “It almost stops the desire for companies to continue to try to develop and refine these out of fear that they’re going to be viewed as discriminatory.”

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Limited Success in the Private Sector

There have been fewer attempts by state and local legislatures to regulate private companies’ use of ADS systems—such as those The Markup has exposed in the [tenant screening](#) and [car insurance industries](#)—but in recent years, those measures have been marginally more successful.

The New York City Council passed a bill that would require private companies to conduct bias audits of algorithmic hiring tools before using them. The tools are used by many employers to screen job candidates without the use of a human interviewer.

The legislation, which was enacted in January but does not take effect until 2023, has [been panned by some of its early supporters](#), however, for being too weak.

Illinois also enacted a [state law](#) in 2019 that requires private employers to notify job candidates when they’re being evaluated by algorithmic hiring tools. And in 2021, the legislature amended the law to require employers who use such tools to report demographic data about job candidates to a state agency to be analyzed for evidence of biased decisions.

This year the Colorado legislature also [passed a law](#), which will take effect in 2023, that will create a framework for evaluating insurance underwriting algorithms and ban the use of discriminatory algorithms in the industry.

Vermont Bill Could Create a Permanent AI Commissio

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EMERGING TECH

Vermont Bill Could Create a Permanent AI Commission

In a recently proposed bill, state lawmakers are asking to create a permanent commission to oversee and support the responsible use of artificial intelligence technology among state agencies.

January 24, 2022 • Katya Maruri



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In **Vermont**, a recently proposed **bill** looks to create a commission to oversee the ethical use of AI technology within state government.

The idea for the commission comes from a recommendation by the **state's** Artificial Intelligence Task Force, which was operational from September 2018 through January 2020.

“On Jan. 15, 2020, the Legislature received a report from the task force recommending the state

establish a permanent commission,” Rep. Brian Cina said. “The Committee on Appropriations heard testimonies and narrowed down the scope of the bill to create a permanent commission, along with a code of ethics and a public record of AI being used throughout the state.”

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As for the bill itself, Cina explained, two bills were merged into one to create the current version of the legislation. The first bill aimed to create an index of current AI technology used within the state. The second bill looked to develop a code of ethics and support the responsible use of AI technology among state agencies.

“In Vermont, it is unclear at this point where we are using AI,” Cina said. “There is no inventory that exists.”

The idea of creating an inventory specifically came after law enforcement asked the state Legislature to issue an exemption for the use of facial recognition technology in 2020, Cina explained.

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At the time, recently passed **legislation** banned law enforcement from using facial recognition technology due to racial justice concerns.

The exemption, according to Cina, was for law enforcement to use facial recognition technology to identify offenders and victims in child sex abuse cases.

A search warrant and other protections, including a human-reviewed decision-making system, would be in place to make sure there are as few discrepancies as possible in identifying individuals.

As for the new legislation, he said, one of the challenges may be getting enough financial support.

“There’s always an issue or concern when it comes to spending money,” Cina said. “The counterargument is that it’s an investment that saves the state money by ensuring that AI is being used wisely.”

“If we do end up using it in a harmful way, we could end up with a million-dollar lawsuit,” he added.

As for how state governments are currently using AI technology, most organizations have turned to using chatbots and robotic process automation, according to Amy Glasscock, a senior policy analyst at the National Association of State Chief Information Officers (NASCIO).

“The technology had gotten to a point where **states** felt comfortable using it, and there was a strong business case for using it,” Glasscock said.

Despite the increased comfort level with the technology, some challenges still persist around its implementation; privacy is one such concern.

“That is one of the big reasons states are hesitant to use it, especially when it comes to image recognition,” Glasscock explained. “States are really starting to put a big focus on privacy the same way that they were putting a focus on **cybersecurity** a decade ago.”

One way states are doing this is by hiring chief privacy officers. According to Glasscock, approximately 20 states have incorporated the new position into their organizations.

Another concern is incorporating AI and other related technology into legacy infrastructure.

“Legacy infrastructure is also another big challenge for states in using AI because there is so much of it,” she added. “A lot of states haven’t been able to move forward with a lot of AI applications.”

That’s not to say it’s not doable. For states looking to incorporate this technology into their daily operations, Glasscock recommended having a strategic vision, making sure all data is organized and standardized and to avoid looking for a business case to use new technology like AI. Instead, she suggested that identifying a business case first and then figuring out the best tool to use is a more practical approach.

“Every year, we ask state CIOs, what emerging technology do you think will be most impactful in the next three to five years,” she said. “AI and (robotic process automation) have been the top answer for a couple of years, so I think it’s going to continue to grow.”

Tags:

Artificial Intelligence

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Katya Maruri

Katya Maruri is a staff writer for Government Technology. She has a bachelor's degree in journalism and a master's degree in global strategic communications from Florida International University.

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Appropriations Committee

HOUSE BILL 1132

State Government Technology and Science Advisory Commission - Established
March 16, 2023

Chair Barnes, Vice Chair Chang , and members of the committee, my name is Vandana Janeja and I am a Professor and Chair of the Information Systems Department at UMBC and a resident of Howard County. I am pleased to be able to testify in support of [House Bill 1132](#) State Government – Technology and Science Advisory Commission– Established introduced by Delegates Hill, Charles, Qi, Ruth, and Wu. Passage of this bill would reflect leadership in the [landscape of efforts](#) across the country considering the societal impacts of using artificial intelligence (AI) systems, particularly in government.

I have been an educator and researcher in data analytics for over 14 years. I submit my views in this testimony as a researcher for data driven decision making and how these systems can or should incorporate ethical viewpoints. I have co-authored community reports for the National Science Foundation (NSF) and co-organized a workshop on embedding ethics in the data science pedagogy. I have also served as an AAAS Science Technology Policy fellow at NSF, in the Computer Information Science and Engineering Directorate’s Office of the Assistant Director, where I am also affiliated as an expert in the area of data science.

This testimony is written jointly with James Foulds, an Assistant Professor in the Information Systems Department at UMBC. He is an expert who researches fairness and bias in Artificial Intelligence (AI) and machine learning systems. He has received three National Science Foundation awards on this topic, including the prestigious NSF CAREER award, a grant from the National Institute of Standards and Technology, and a number of research papers in highly selective publication venues.

In this written testimony we reflect on our support for this bill in terms of the increased use of AI, its benefits, pitfalls and responsible AI best practices. As experts, we believe that this bill’s purpose, establishing the Technology and Science Advisory Commission to study

and make recommendations on technology and science in the State, is both laudable and possible. Such a commission would be well equipped to provide expert knowledge about the complex area of AI and decision making using AI. The working groups and their efforts will be helpful in informing the state about the impacts of AI in the day to day use and impacts on the citizens of the state.

Increased use of AI and Data Driven Systems in Decision Making

With the advances in data collection, capturing and sensing we are living in a constant deluge of data. Several disparate and rich data sources are emerging to help with actionable knowledge discovery. While disparate data proves to be a challenge to work with, it can also be seen as an opportunity to tap into relevant datasets and discover yet unknown patterns and support data driven decision making. Indeed AI and data driven decision making systems are in use in our own backyards in an effort to support our communities (e.g. [MD COVID-19 pandemic response](#), [DHS program to improve flood resiliency](#), [UMBC's Flood Bot project in Ellicott City](#), [filling supply chain gaps with AI](#)). AI and data driven systems are also coming into play into consequential decision making impacting lives and livelihoods (e.g. [MD courts using AI systems for bail decisions](#), [facial recognition in Capital Gazette shooting](#), [ICE facial recognition searches](#)). With technological advances now enabling the incorporation and systematic pattern analysis of data at scales using machine learning - beyond human perception, we must revisit how we view our work as part of a complex ecosystem, filled with feedback loops.

Benefits of using AI and Data-Driven Systems in Decision Making

Algorithmic decision systems, developed using data-driven technologies from artificial intelligence, machine learning, and statistics, are extremely beneficial when done well. These systems can lead to substantial efficiency benefits in terms of the speed, cost, and scalability of decision-making compared to human decision-making, and they often lead to better and more reliable decisions. If implemented appropriately, these systems also have the potential to be more fair than human decision-makers, since the same procedure is applied evenhandedly to everyone, while humans are subject to both implicit and explicit biases.

Pitfalls of AI and Data Driven Systems in Decision Making

Fair and equitable behavior of data-driven algorithmic decision systems is far from guaranteed. Artificial intelligence and machine learning systems aim to encode the patterns that they observe in data, regardless of whether those patterns arise from fair societal processes or justifiable data collection and data preparation choices. Hence, inequities in our society are reflected in data, and in data-driven algorithms. Human prejudice in annotating data with the labels that an AI system aims to predict (e.g. whether an individual “deserves” a particular governmental service or program), will be reflected in the behavior of a data-driven AI system.

The data used to train the algorithm may not be representative of the individuals in society, e.g. by neglecting historically marginalized communities. Even if the data are representative, minority groups will by definition be represented less often in the training data set, potentially biasing the outcomes. Machine learning methods are vulnerable to the problem of *overfitting*, in which a predictive model fits too well to its training data, and hence fails to generalize to the rest of the population outside of the training data. Overfitting can further lead to an amplification of the discriminatory biases already present in the data, leading to inaccurate and discriminatory decisions. If a data-driven algorithm is allowed access to sensitive demographic information such as an individual's gender, race, ethnicity, nationality, sexual orientation, and age, it will typically learn to encode unwanted discriminatory behavior and stereotypes. Even if sensitive demographics are hidden from the algorithm, other measured attributes which are correlated with them may act as "proxy variables" to the demographic information (e.g., [zip code is correlated with race in the United States due in part to historical segregation policies](#)).

Of course, beyond all of the above subtle issues which may occur in otherwise well-designed systems with otherwise "good" data, any errors in an individual's recorded data are likely to lead to incorrect decisions. Experts have made the case that if an individual is not allowed to access the data used to make a decision or an explanation of why the decision was made, they will have no recourse to challenge that decision, even when that decision was made in error.

To highlight the overall pitfalls, well-known cases of AI bias include [racial bias in bail and sentencing decisions from criminal recidivism risk prediction systems](#), and [disparities in the accuracy of computer vision systems along lines of gender and skin tone](#) with potentially harmful impacts for individuals impacted and also for society as a whole.

Responsible AI and Data Driven Systems in Decision Making: Best Practices

Mediating the discussions between application stakeholders is becoming ever more important. The vast complexity of data availability and algorithmic decision making tools requires vigilance around access, privacy, provenance, curation, and interoperability, issues of fairness, accountability and transparency. To help navigate increasingly complex decision making systems, there is a movement toward standards and best practices such as a data ethics oath (e.g. [IEEE](#), [ACM](#), [NASEM](#)), [ethically aligned business standards](#), private sector best practices for responsible AI (e.g. [Google](#), [Accenture](#), [Microsoft](#), [PwC](#), [IBM toolkit](#)), [best practices and policies to reduce consumer harm](#). These issues are a natural consequence of deploying solutions in the real world, and must be considered intentionally by all parties involved.

While some may have concerns about the availability of established standards, there are many established best practices that an expert advisory group can help distill from. Indeed the conversations in the [state](#), [federal](#) and [private sectors](#) have highlighted the need for more stringent measures in deploying AI and data-driven decision making systems to prevent propagation of societal biases and discrimination.

This bill provides sensible and reasonable requirements to study the aspects of equity, sustainability, accountability and responsible stewardship of public resources with respect to AI technologies from expert view points and would help to ensure that responsible AI best practices will protect Maryland's citizens and advance the state's efforts to be inclusive and fair.

Considering the far reaching implications of AI and data-driven algorithmic decision systems, which may cause harm if not supported with the right best practices, We appreciate your favorable consideration of HB 1132 which will help scaffold the future of AI in the state with an informed set of experts to advice the state in important decision making around AI technologies.

HB1132_FWA_MTC_State Government - Technology and S

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MARYLAND TECH COUNCIL

TO: The Honorable Ben Barnes, Chair
Members, House Appropriations Committee
The Honorable Terri L. Hill

FROM: Andrew G. Vetter
Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
Christine K. Krone
410-244-7000

DATE: March 16, 2023

RE: **SUPPORT WITH AMENDMENT** – House Bill 1132 – *State Government – Technology and Science Advisory Commission – Established*

The Maryland Tech Council (MTC) **supports with amendment** *House Bill 1132: State Government – Technology and Science Advisory Commission – Established*. We are a community of over 700 Maryland member companies that span the full range of the technology sector. Our vision is to propel Maryland to become the number one innovation economy for life sciences and technology in the nation. We bring our members together and build Maryland's innovation economy through advocacy, networking, and education.

House Bill 1132 establishes the Technology and Science Advisory Commission to study and make recommendations on technology and science in Maryland. Among other duties, the bill charges the Commission with making recommendations on the proper use of developing technology and science within the State and how developments can be implemented; reviewing and making recommendations on algorithmic decision system policies, and creating a framework for addressing the ethics of emerging and innovative technologies and science that will avoid system harm and bias. The bill also calls for the establishment of workgroups to study and make recommendations across various aspects of the continually evolving fields of science and technology. The bill, as drafted, appears to place a particular emphasis of ensuring Maryland is properly positioned with respect to the rapidly evolving field of artificial intelligence (AI).

The widespread adoption of AI is growing at a rapid pace across all types of industries, including healthcare, education, finance, transportation, manufacturing, and defense. The role these technologies play in our everyday lives is only going to continue to grow. Therefore, we believe it is right to bring together stakeholders to examine all of the implications and potential unintended consequences of this technology. MTC agrees that regulations and guardrails are going to be needed with respect to AI. However, such regulations need to balance the need for protecting

and safeguarding people, while ensuring we have an environment where companies continue to innovate and improve the quality of life through technology.

MTC is particularly supportive of the broadness of the mandate described in the bill. This is because there are many different emerging and emergent technologies that the State must consider and may eventually seek to regulate. We are supportive of creating a standing body that can provide objective advice and analysis of these emerging technologies to State policy makers.

We do respectfully request one amendment to slightly broaden the membership of the Commission. As the State's largest association of technology companies, we believe our organization lends an important voice to these discussions, and therefore request an amendment to read, **“ONE REPRESENTATIVE FROM THE MARYLAND TECH COUNCIL, DESIGNATED BY THE MARYLAND TECH COUNCIL.”**

With our suggested amendment, we urge a favorable report.

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Wes Moore | Governor
Aruna Miller | Lt. Governor
Katie Savage | Acting Secretary

March 14, 2023

The Honorable Delegate Ben Barnes
Chair, House Appropriations Committee
121 House Office Building
Annapolis, MD 21401

RE: House Bill 1132 - State Government - Technology and Science Advisory Commission - Established

Dear Chairmen Barnes and Committee Members:

The Maryland Department of Information Technology (DoIT) respectfully submits this letter of information for House Bill 1132 - State Government - Technology and Science Advisory Commission - Established. The bill requires DoIT to be a participant in and provide staff for the Technology and Science Advisory Commission. This commission's purpose is to study and make recommendations on technology and science for the state. DoIT believes that the goals of the commission are too broad and overlap with the goals of the Modernize Maryland Oversight Commission (MMOC) which was created last year by House Bill 1205. The MMOC's main goal is to advise the Secretary of Information Technology (IT) and the State Chief Information Security Officer (SCISO) on appropriate IT and cybersecurity investments and upgrades, funding sources, and future procurement mechanisms.

DoIT also believes that the topic of addressing the ethics of emerging and innovative technologies in science should be studied by a commission entirely by itself. There are a few topics that this commission is tasked with studying and making recommendations on that should be handled in separate commissions. These include:

1. Advising state agencies on technology and science and making recommendations on the proper use of developing technology and science with the State and how developments can be implemented by the state. (This is currently being done for state agencies by the Modernize Maryland Oversight Commission)
2. Review and make recommendations on algorithmic decision system policies, practices, and regulations employed by the state.
3. Creating a framework for addressing the ethics of emerging and innovative technologies in science.



Wes Moore | Governor
Aruna Miller | Lt. Governor
Katie Savage | Acting Secretary

4. Clarifying and practicing responsible artificial intelligence. (The MMOC is currently contemplating taking on this task)

In summary, DoIT believes that this commission would have numerous redundancies with other commissions that are currently doing good work for the state of Maryland and that the four issues above should be separated into different commissions and studied by entirely different sets of people who would have separate subject matter expertise.

If you would like to discuss this any further please contact Patrick Mulford, Chief of Staff at patrick.mulford@maryland.gov or 410-582-6272.

Sincerely,

Patrick Mulford

Chief of Staff
Department of Information Technology