

KATIE FRY HESTER
Legislative District 9
Howard and Montgomery Counties

Education, Energy, and
Environment Committee

Chair, Joint Committee on
Cybersecurity, Information Technology
and Biotechnology



Annapolis Office
James Senate Office Building
11 Bladen Street, Room 304
Annapolis, Maryland 21401
410-841-3671 · 301-858-3671
800-492-7122 Ext. 3671
KatieFry.Hester@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB818: AI Governance Act of 2024

March 28, 2024

Chair Peña-Melnyk, Vice-Chair Cullison, and members of the Health and Government Operations Committee:

Thank you for your consideration of Senate Bill 818, which acknowledges the immense potential of Artificial Intelligence (AI) to contribute to the public good while recognizing the imperative to manage its risks diligently. I'd like to thank the members of the Joint Committee on Cybersecurity, Information Technology, and Biotechnology and our amazing staff, who conducted over 12 hours of hearings this interim on the topic. I'd also like to thank Delegate Jazz Lewis, who has cross-filed HB1271, and Chair Peña-Melnyk for pulling together the stakeholders to deal with this critical issue over the interim.

As a reminder, SB 818/ HB 1271, as introduced, includes four major components that:

- 1) Codify the Governor's Artificial Intelligence Subcabinet
- 2) Require Impact Assessments of new High-Risk Artificial Intelligence products before they are purchased/ developed by state agencies
- 3) Require the state to produce an inventory of AI systems
- 4) Establish pilot program protocols for safe testing before procurement

There are some differences between SB 818 and HB 1271, given the amendment added in the Senate, which dramatically reduces the original fiscal note. Specifically, the amendments:

- Exempt State public higher education institutions from the AI guidelines in cases where they are using an AI system for academic and research purposes. However, AI systems used within public higher education institutions are still required to be functionally compatible with state policies for operations and non-academic partnerships with State government units;
- Include a definition of rights-impacting and systems-impacting Artificial Intelligence
- Narrow the scope of impact assessments and systems inventories to Artificial Intelligence, to only apply to rights or safety impacting systems and modify their frequency and timeline
- Narrow criteria related to vetting an AI system before its procurement
- Modify the role of the Subcabinet
- Clarify procurement applications and use in proof of concept procurements

- Remove a requirement for an interim report, requiring a study by the Subcabinet to the General Assembly, and add the stated intent to evaluate the feasibility of a virtual 311 portal.

We have also continued conversations with Delegate Jazz Lewis and know that he will introduce further amendments to both the House and Senate versions of the bill to clarify the timelines and definitions.

In conclusion, SB 818 represents a thoughtful and pragmatic approach to integrating AI technologies within government operations. By passing this legislation, we will position our State as a leader in the responsible use of AI, setting a standard for others to follow.

For these reasons, I respectfully request a favorable report on SB818.

Sincerely,

A handwritten signature in cursive script that reads "Katie Fry Hester".

Senator Katie Fry Hester

Howard and Montgomery Counties

Senate Chair, Joint Committee on Cybersecurity, Information Technology and Biotechnology