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Carson, Harris; Sens. Gay, Hoffner, Huxtable, Pinkney,
Richardson, Sokola

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 333

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ARTIFICIAL INTELLIGENCE COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 90C, Title 29 of the Delaware Code by making deletions as shown by strike through
2 and insertions as shown by underline as follows:

3 Subchapter IV: Delaware Artificial Intelligence (AI) Commission

4 § 9041C. Purpose.

5 The Delaware AI Commission is created to do all of the following:

6 (a) Make recommendations to the General Assembly and to the Chief Information Officer of the Department on
7 legislative and executive actions regarding AI in Delaware.

8 (b) Develop and recommend statewide processes, principles, and guidelines for executive, legislative, and judicial
9 agencies to follow regarding use of AI.

10 (c) Encourage agencies to utilize AI to improve service delivery, where appropriate.

11 (d) Examine, develop, and recommend legislative, executive, and judicial actions that ensure the use of AI in
12 Delaware keeps citizens safe and does not violate any individual's rights.

13 (e) Conduct an inventory of all Generative AI usage in Delaware executive, legislative, and judicial agencies and
14 identify high risk areas for the implementation of Generative AI.

15 § 9042C. Definitions.

16 As used in this subchapter:

17 (a) "Appointed member" means an individual appointed under § 9043C of this subchapter.

18 (b) "Artificial Intelligence" or "AI" means a machine-based system that can, for a given set of human-defined
19 objectives, make predictions, recommendations, or decisions influencing real or virtual environments.

20 (c) "Commission" means the Delaware AI Commission.

21 (d) “Generative AI” means the class of AI models that emulate the structure and characteristics of input data in
22 order to generate derived synthetic content. This can include images, videos, audio, text, and other digital content.

23 § 9043C. Commission membership; qualifications; term of office.

24 (a) The Commission is composed of 17 members, as follows:

25 (1) Eight members serving by virtue of position, or their designee, as follows:

26 a. The Chief Information Officer of the Department of Technology and Information.

27 b. The Attorney General.

28 c. The Secretary of the Department of Labor.

29 d. The Secretary of the Department of Education.

30 e. The Secretary of the Department of Transportation.

31 f. The Director of the Office of Management and Budget.

32 g. The Chief Justice of the Supreme Court.

33 h. The Secretary of State.

34 (2) Three members who are residents of the State and appointed by the Pro Tempore of the Senate as follows:

35 a. One member of a higher education institution with specialization in AI.

36 b. One member of the of the private sector with experience in implementing AI.

37 c. One member of the Senate.

38 (3) Three members who are residents of the State and appointed by the Speaker of the House as follows:

39 a. One member of a higher education institution with specialization in AI.

40 b. One member of the of the private sector with experience in implementing AI.

41 c. One member of the House of Representatives.

42 (4) Three members who are residents of the State and appointed by the Governor as follows:

43 a. One member of a higher education institution with specialization in AI.

44 b. One lawyer with expertise in U.S. and Delaware constitutional rights.

45 c. One member of the private sector with experience implementing AI.

46 (b) An appointed member serves for a term of up to 3 years and is eligible for reappointment.

47 (c) If an appointed member fails to attend 3 successive meetings of the Commission without just cause, that
48 member’s position may be deemed vacant, and their appointing authority may appoint a replacement.

49 (d) Members of the Commission serve without compensation, except that the Commission may reimburse
50 members for reasonable and necessary mileage and tolls incident to duties as members of the Commission.

51 § 9044C. Authority; staffing.

52 (a) The Commission shall be placed within Department and shall have such powers, duties, and functions as
53 described in this subchapter and such other duties and functions as may be referred to it by the Governor, the Chief
54 Information Officer of Department, or the General Assembly.

55 (b) The Chief Information Officer of Department shall provide staff support to the Commission.

56 § 9045C. Chair and Vice Chair; selection and duties.

57 (a) The Commission shall elect a Chair and Vice Chair at its first meeting and the Chair and Vice Chair shall serve
58 until a replacement is elected. If the Chair becomes vacant, the Vice Chair shall fulfill the duties of the Chair contained in
59 subsection (b) of this section until a replacement is elected at its next meeting.

60 (b) The Chair of the Commission shall do all of the following:

61 (1) Set a date, time, and place for the meetings of the Commission.

62 (2) Supervise the preparation and distribution of meeting notices, agendas, minutes, and other documents
63 prepared by or on behalf of the Commission.

64 § 9046C. Quorum and conduct of business.

65 (a) A majority of the membership of the Commission constitutes a quorum to conduct official business. Official
66 action by the Commission, including making findings and recommendations, requires the approval of a majority of the
67 members of the Commission present at a meeting with quorum.

68 (b) The Commission may adopt rules necessary for its operation.

69 (c) In carrying out the Commission's duties under this subchapter, the Commission shall consider any related
70 plans and programs developed by other organizations with expertise in AI.

71 § 9047C. Annual Report.

72 On or before December 31, 2024, and on or before every December 31 thereafter, the Commission shall submit to
73 the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director and
74 Librarian of the Division of Research, for distribution to the members of the General Assembly, an annual report of the
75 Commission's activities for the previous year and goals for the upcoming year. The report may also include proposals for
76 legislation, administrative action, or other policy changes the Commission considers necessary to further the goals and
77 purposes of this subchapter.

78 Section 2. The Chief Information Officer of the Department of Technology and Information shall set the date,
79 time, and place for the initial organizational meeting and the Commission shall hold its first meeting no later than August 1,
80 2024.

81 Section 3. This Act expires 10 years after its enactment into law, unless otherwise provided by a subsequent act of
82 the General Assembly.

SYNOPSIS

This Act creates the Delaware Artificial Intelligence ("AI") Commission. This Commission shall be tasked with making recommendations to the General Assembly and Department of Technology and Information on AI utilization and safety within the State of Delaware. The Commission shall additionally conduct an inventory of all Generative AI usage within Delaware's executive, legislative, and judicial agencies and identify high risk areas for the implementation of Generative AI. The Commission will terminate 10 years from enactment unless extended by the General Assembly.