SPONSOR: Rep. Griffith & Rep. Romer & Rep. Bush & Sen. Hansen
Reps. Baumbach, Heffernan, Longhurst, Morrison, Carson, Harris; Sens. Gay, Hoffner, Huxtable, Pinkney, Richardson, Sokola

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 333
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1

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:

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

Subchapter IV: Delaware Artificial Intelligence (AI) Commission

§ 9041C. Purpose.

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

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

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

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

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

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

§ 9042C. Definitions.

As used in this subchapter:

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

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

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(c) “Commission” means the Delaware AI Commission.

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

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

(a) The Commission is composed of 19 members, as follows:

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

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

b. The Attorney General.

c. The Secretary of the Department of Labor.

d. The Secretary of the Department of Education.

e. The Secretary of the Department of Transportation.

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

g. The Chief Justice of the Supreme Court.

h. The Secretary of State.

i. The Secretary of the Department of Health and Social Services.

j. The Secretary of the Department of Safety and Homeland Security.

k. The State Election Commissioner.

l. The Executive Director of the Government Efficiency and Accountability Review Board.

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

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

b. One member representing private sector entities with experience in developing or implementing AI.

c. A member of the Senate from the Majority Caucus.

d. A member of the Senate from the Minority Caucus.

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

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

b. One member representing private sector entities with experience in developing or implementing AI.

c. A member of the House of Representatives from the Majority Caucus.

d. A member of the House of Representatives from the Minority Caucus.

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

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

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

c. One member representing private sector entities with experience in developing or implementing AI.

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

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

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

§ 9044C. Authority; staffing.

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

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

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

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

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

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

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

§ 9046C. Quorum and conduct of business.

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

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

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

§ 9047C. Annual Report.

On or before December 31, 2024, and on or before every December 31 thereafter, the Commission shall submit to

the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director and Librarian of the Division of Research, for distribution to the members of the General Assembly, an annual report of the Commission's activities for the previous year and goals for the upcoming year. The report may also include proposals for legislation, administrative action, or other policy changes the Commission considers necessary to further the goals and purposes of this subchapter.

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

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