

House Bill 1651

By: Representative Lim of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding state government, so as to create the Transparency and Fairness
3 in Automated Decision-Making Commission; to provide for the composition and operation
4 of same; to provide for a survey and recommendations; to provide for public notice and
5 input; to provide for reporting; to provide for definitions; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
10 provisions regarding state government, is amended by adding a new Code section to read as
11 follows:

12 "50-1-11.

13 (a) As used in this Code section, the term:

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

16 (2) 'Automated decision system' means any system that uses algorithms, machine
17 learning, natural language processing or other artificial intelligence technique to make
18 decisions or assist in decision making for the state or any subdivisions thereof.

19 (3) 'Commission' means the commission created by this Code section.

20 (4) 'Developer' means the person or entity that made the tool or other automated decision
21 system using artificial intelligence utilized by the state.

22 (5) 'Developmental documents' means all documents, data, records, and information used
23 by the builder of the tools. Such term also includes any and all policies outlining the
24 usage of the tool as well as validation frequency and methods.

25 (6) 'Power of examination' means that the commission will have authority to examine the
26 developmental documents, source code, and any documents related to validation,
27 regardless of any trade secret or intellectual property protection defense claimed by the
28 developer.

29 (7) 'Report' refers to the official report that the commission is required to make publicly
30 available.

31 (8) 'Source code' is the original programming instructions of a piece of software, written
32 in the language chosen by one or more programmers. The source code is different than
33 a description of the system and the object code, which is used to execute the software on
34 a computer system.

35 (9) 'Validation' means the process by which algorithms and automated decision systems
36 are tested and checked for metrics, including but not limited to, accuracy, effectiveness,
37 and bias.

38 (b)(1) There is hereby created a commission to be known as the Transparency and
39 Fairness in Automated Decision-Making Commission, to review and publicly report on
40 this state's use of artificial intelligence and other automated decision systems and the
41 effects of such systems, and to develop recommendations and best practices for the use
42 of automated decision systems by state agencies.

- 43 (2) The commission shall comprise the following members or their designees:
- 44 (A) Two members of the House of Representatives, one of whom shall be appointed
- 45 by that chamber's minority leader; two members of the Senate, one of whom shall be
- 46 appointed by that chamber's minority leader;
- 47 (B) The chief justice of the Supreme Court of Georgia;
- 48 (C) The Attorney General;
- 49 (D) The commissioner of the Georgia Department of Public Health;
- 50 (E) The executive director of the Georgia Technology Authority;
- 51 (F) The executive director of the Georgia Public Safety Training Center;
- 52 (G) The chief counsel of the Georgia Public Defender Council;
- 53 (H) Three technologists who specialize and are able to interpret source code, consider
- 54 technological development workflows, and consult regarding validation, to be
- 55 appointed by the governor. Such technologists shall be able to speak to both the
- 56 capabilities and limitations of automated decision systems in order to inform the
- 57 feasibility of the commission's recommendations;
- 58 (I) Two representatives from nonprofit organizations focusing on one or more of the
- 59 following: open government, technology, privacy, ethics, or civil liberties, to be
- 60 appointed by the governor; and
- 61 (J) Two members of academic faculty from a secondary education institution in this
- 62 state who are experts in the development, operation of, and social implications of data
- 63 science, artificial intelligence, and machine learning, to be appointed by the governor.
- 64 (3) All persons appointed to the commission shall have expertise in artificial intelligence,
- 65 technology, ethics, privacy, or computer science.
- 66 (4) The appointing authorities shall coordinate their appointments to assure that
- 67 commission membership is inclusive and reflects the racial, gender, geographic, urban,
- 68 rural, and economic diversity of this state.
- 69 (5) Members of the commission shall be appointed by August 15, 2022.

70 (6) At its first meeting, the commission shall elect from among its members a
71 chairperson, vice-chairperson, and secretary.

72 (7) The commission shall be tasked with and shall complete the following:

73 (A) The commission shall first survey how algorithms or other automated decision
74 systems are being used by the state. Such survey shall be complete and specific and
75 shall include:

76 (i) The identity of the developer and pertinent contract terms between the state and
77 the developer;

78 (ii) Any state bodies or subdivisions using automated decision systems;

79 (iii) The inputs used;

80 (iv) The source of the inputs used;

81 (v) The purposes for which such systems are used;

82 (vi) The validation policies and logic of the automated decision system;

83 (vii) The data maintenance and deletion policies; and

84 (viii) The potential harms that could arise from the use of the system and how those
85 risks are currently addressed.

86 (B) Inherent in this duty is the power of examination of this commission to survey and
87 make public the systems used and their developers.

88 (C) The commission shall also review the experience other states have had in
89 addressing the challenges of automated decision systems.

90 (D) The commission shall propose recommendations regarding the development and
91 implementation of:

92 (i) The minimum technological standards and principles for all automated decision
93 systems used by the state in any capacity;

94 (ii) A uniform data minimization, deletion, and disclosure policy in order to
95 maximize security and minimize unnecessary data exposure;

- 96 (iii) Procedures in which an individual affected by a decision made by an automated
97 decision system used by the state may seek an opportunity to know the basis of such
98 decision, including access to the factors, logic, and techniques that produced the
99 outcome, and the procedures to correct that information or appeal the decision;
100 (iv) Procedures under which an individual may seek human review of an automated
101 decision made about them;
102 (v) Procedures to ensure that automated decision systems do not reflect unfair bias
103 or make impermissible discriminatory decisions;
104 (vi) Procedures to ensure that any automated decision systems considered by the state
105 are deployed only after an adequate evaluation of such system's purpose and
106 objectives, benefits, and risks is completed;
107 (vii) Procedures to ensure the accuracy, reliability, and validity of decisions made by
108 automated decision systems used by the state;
109 (viii) Procedures to establish data provenance and to assure quality and relevance for
110 the data input into algorithms.
111 (ix) Systems to secure automated decision systems against cybersecurity threats;
112 (x) A prohibition on secret profiling;
113 (xi) A prohibition on unitary scoring;
114 (xii) A system to ensure that information relative to automated decision systems is
115 continually updated and is readily available to the public; and
116 (xiii) An appropriate and permanent government body to continue work similar to
117 and extending from the work of this commission.
118 (8) The commission shall solicit public input through public hearings and testimony.
119 The commission shall accept public comments both through a website or email, as well
120 as through physical mail.

121 (9) Comments shall be accepted during the first 12 months of the commission's
122 existence, as well as for 30 days following the publication of its report and
123 recommendations.

124 (10) A dedicated website shall be published and shall include:

125 (A) Information regarding the location, time, and other such relevant notification of
126 any public portions of each meeting of the commission;

127 (B) A list of the members of the commission;

128 (C) Contact information;

129 (D) Information on methods to submit comments to the commission; and

130 (E) The reports of the commission.

131 (11) The commission shall file a report of its findings pursuant to subparagraph (7)(A)
132 of this subsection, by filing the same with the Clerk of the House of Representatives, the
133 Secretary of the Senate, the chairperson of the House Committee on Ways and Means,
134 and the chairperson of the Senate Finance Committee not later than March 31, 2023. The
135 report shall also be made public on the commission's website.

136 (12) The commission shall file a report of its recommendations, together with drafts of
137 legislation necessary to carry those recommendations into effect, by filing the same with
138 the Clerk of the House of Representatives, the Secretary of the Senate, chairperson of the
139 House Committee on Ways and Means, and the chairperson of the Senate Finance
140 Committee not later than December 31, 2023. Such report shall also be made public on
141 the commission's website."

142 **SECTION 2.**

143 All laws and parts of laws in conflict with this Act are repealed.