Use of Artificial Intelligence (AI) by State Legislatures

William Clark, National Conference of State Legislatures

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Today's Presentation

- Defining AI

- Results from 2023 Legislative IT Survey

- Results from 2023 Survey of Legislative Clerks and Secretaries

- Results from 2024 Legislative AI survey

- AI usage policies

- AI for Legislative Speech and Bill Drafting

Defining AI

Federal Definition of AI

AI is:

"a machine-based system that can, for a given set of human-defined objectives, make **predictions, recommendations, or decisions** influencing real or virtual environments."

15 U.S.C. 9401(3)

https://uscode.house.gov/view.xhtml?req=(title:15%20section:9401%20edition:prelim)

Defining AI

Subfields of AI

Machine Learning – Uses models and algorithms to give computers the ability to learn by analyzing datasets without being explicitly programmed

Natural Language Processing – Focused on enabling computers to understand, interpret and generate human language

Computer Vision – Gives machines the ability to interpret and understand visual information from the world, such as images and videos

Defining AI

Traditional Machine Learning (ML) vs. Generative AI

Traditional ML – Focused on analyzing data to find patterns and *make accurate predictions*

Generative AI – Focused on *creating new data* that resembles training data

2023 Legislative IT Survey

Current Use of AI Tools

Legislative IT Offices

- Cybersecurity

- Transcription

Legislators and Non-IT Staff

- Transcription

- Informational Mailers

- Summaries

- Advanced Searching

2023 Legislative IT Survey

AI Applications Under Consideration

- Help Desk Support

- Proofing

- Document Summarization

- Translation

- As a component in other third-party applications

2023 Legislative IT Survey

Examples of Legislative AI Staff Guidance

- Legislative Policies

- Debrief of Legislators and Legislative Staff

- IT Security Update Newsletter

- AI Advisory Councils

2023 Survey of Legislative Clerks and Secretaries

AI for Transcription

- At least 4 states are using applications with AI functions for transcription services

- Staff from 28 states said they are not using AI for transcription

- Staff from 8 states said they are not using AI for any purpose

2024 NCSL Legislative AI Use Survey

Survey of Legislative Staff

- Staff from at least 8 states said they are currently using AI tools

- Staff from at least 20 states said they are considering using AI tools

- Staff from at least 8 states said they were aware of legislators or other staff using AI tools

- Staff from at least 7 states said their office currently has a policy about usage of AI

2024 NCSL Legislative AI Use Survey

AI Tools Currently Being Used by Legislative Staff

Natural Language Processing	**Imaging and Social Media**	**Digital Assistants**	**Transcription and Editing**
• ChatGPT • Bing AI • AWS Bedrock	• Adobe Photoshop Beta	• Microsoft Copilot • Lexis+ AI	• Sonix • Grammarly AI • Claude

2024 NCSL Legislative AI Use Survey

AI Tools Being Used by Legislators and Other Staff

- **ChatGPT** – Citations, Writing, Talking Points, Bill Report Summaries

- **Grammarly** – Spelling and grammar checks

- **Copilot** – Analytics

- **Lexis+ AI** – Legal research

2024 NCSL Legislative AI Use Survey

Other AI Tools and Applications Under Consideration

- **Westlaw Precision**

- **Consensus**

- **Wdesk from Workiva**

- **Gemini**

2024 NCSL Legislative AI Use Survey

Legislative Office Policies Regarding Use of AI Tools

- Prohibit use of AI tools

- Encourage staff to exercise judgement and critical thinking when using AI tools

- Consultation with the IT department required for security design review

- Study committee to make recommendations on creation of an AI usage policy

Legislative AI Usage Policy

"All legislative agencies permit the use of AI tools in the workplace. Users must exercise due diligence and critical thinking when using AI-generated outputs, as AI systems may produce biased, inaccurate, or inappropriate results. To minimize the risk of intentional or unintentional misuse that may result in harm to individuals, the organization, or our clients, using sensitive, confidential, or proprietary information related to Council Agencies or our clients in an AI tool is strictly prohibited. Report any data breaches or incidents involving AI systems to the Information Services team immediately."

Executive Branch AI Policies

Kansas
Generative AI Policy

"The purpose of this policy is to outline the acceptable use of generative artificial intelligence (AI). The policy is created to protect the safety, privacy, and intellectual property rights of the State of Kansas"

https://www.kslegislature.org/li/b2023_24/committees/ctte_jt_it_1/documents/testimony/20230823_03.pdf

North Dakota
AI Policy

"The purpose of the Artificial Intelligence (AI) Policy is to embrace the innovative benefits AI can provide to increase productivity and citizen experience, while reducing risks and concerns in using this emerging technology."

https://www.ndit.nd.gov/sites/www/files/documents/Policies/Artificial%20Intelligence%20Policy.pdf

Pennsylvania
Generative AI Executive Order

"The values, governance structures, and policy in this Executive Order are intended to establish responsive and responsible standards for the governance of Generative AI when used by Agencies and to ensure that the use of Generative AI does not assist or enable activities that violate the laws of the Commonwealth or the United States of America."

https://www.governor.pa.gov/wp-content/uploads/2023/09/20230920_EO-2023-19_AI_Final_Executed.pdf

AI for Legislative Speech Drafting

- **Texas State Rep. Giovanni Capriglione**

  – Creation of advisory council to evaluate AI products and services

- **U.S. Rep. Jake Auchincloss**

  – Creation of U.S.-Israel AI center

- **U.S. Sen. Richard Blumenthal**

  – Opening of hearing on AI

AI for Legislative Bill Drafting

Massachusetts S.B. 31

Bill sponsor used ChatGPT to write a bill to regulate generative AI models. It required:

- AI companies to register with the state

- Regular risk assessments

- Security measures to prevent discrimination

- Protections for users

AI for Legislative Bill Drafting

Alaska H.B. 86

- Bill sponsor used Microsoft Bing AI to draft an amendment to a bill about money transmission and currency.

- Bill sponsor then used the AI to draft a bill that would legalize gambling on Alaska ferries.

AI for Legislative Bill Drafting

U.S. H.Res.66 – 118th Congress

- Bill sponsor used ChatGPT to write a bill to regulate AI using the following prompt:

"You are Congressman Ted Lieu. Write a comprehensive congressional resolution generally expressing support for Congress to focus on AI."

Additional NCSL Resources:

Legislative Information Technology

https://www.ncsl.org/about-state-legislatures/legislative-information-technology

Legislative Information Technology 2023 Survey

https://www.ncsl.org/technology-and-communication/legislative-information-technology-2023-survey

Thank You

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