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LEGISLATIVE POLICY
AND RESEARCH OFFICE

Preliminary Survey Results and Draft Recommendation Discussion

PREPARED FOR: Joint Task Force on Artificial Intelligence

DATE: November 1, 2024

BY: Legislative Policy and Research Office

Goals of Discussion

- Review preliminary stakeholder questionnaire results.
- Discuss terms and definitions that were in the survey that may need refinement based on stakeholder input.
- Recommend a list of terms and definitions, and other considerations, that will help inform the public hearing on November 15, 2024.



Terms and Definitions Reminders

The Joint Task Force on Artificial Intelligence is required to submit a report to the Legislature that recommends AI related terms and definitions that may be used for legislation.

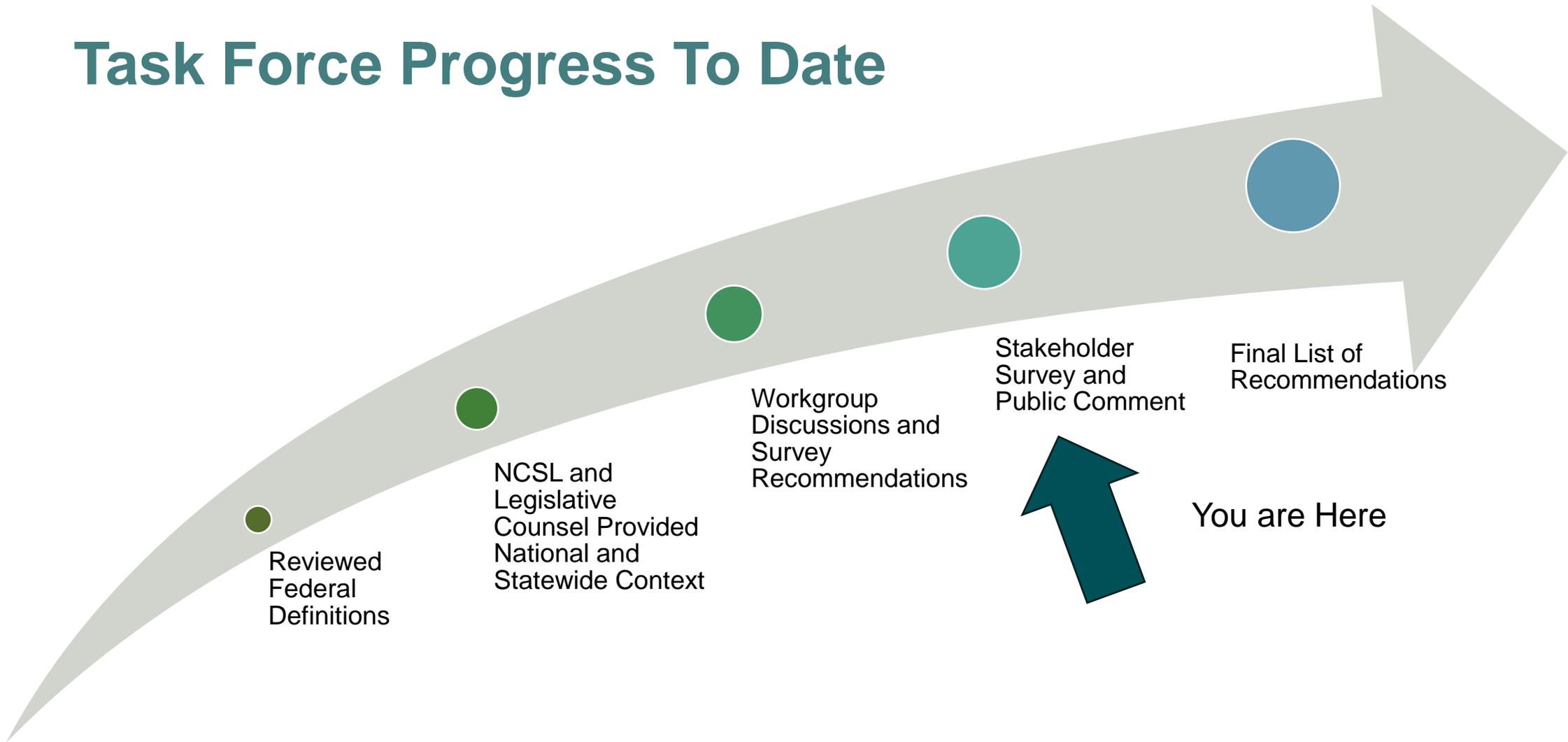
- These definitions must align as closely as possible with terms and definitions used in federal rules.

These definitions will be used as a resource by Legislators for creating future legislation.

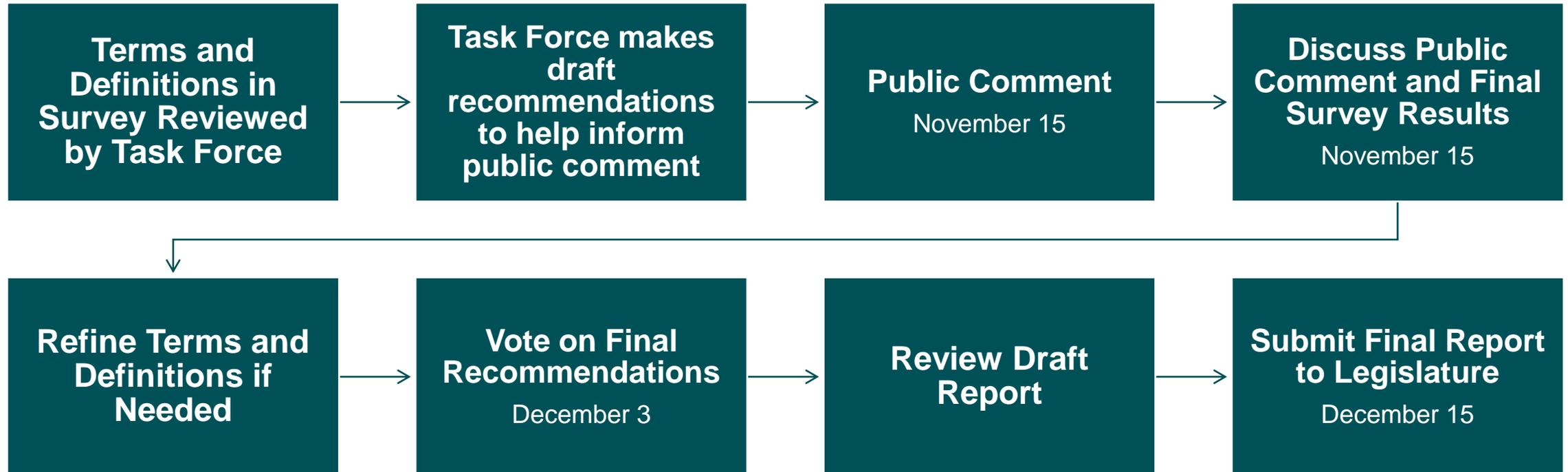
- Legislators (and Legislative Counsel) may, or may not, choose to use the definitions recommended by this Task Force.



Task Force Progress To Date



Final Recommendation Process



Survey Review and Definition Discussion

Preliminary Questionnaire Summary and Methodology

Survey Basics:

- Sent to email list recommended by task force members.
- Fielded from 10/14/2024 to 10/28/2024.
- Received 187 responses.

Survey Analysis:

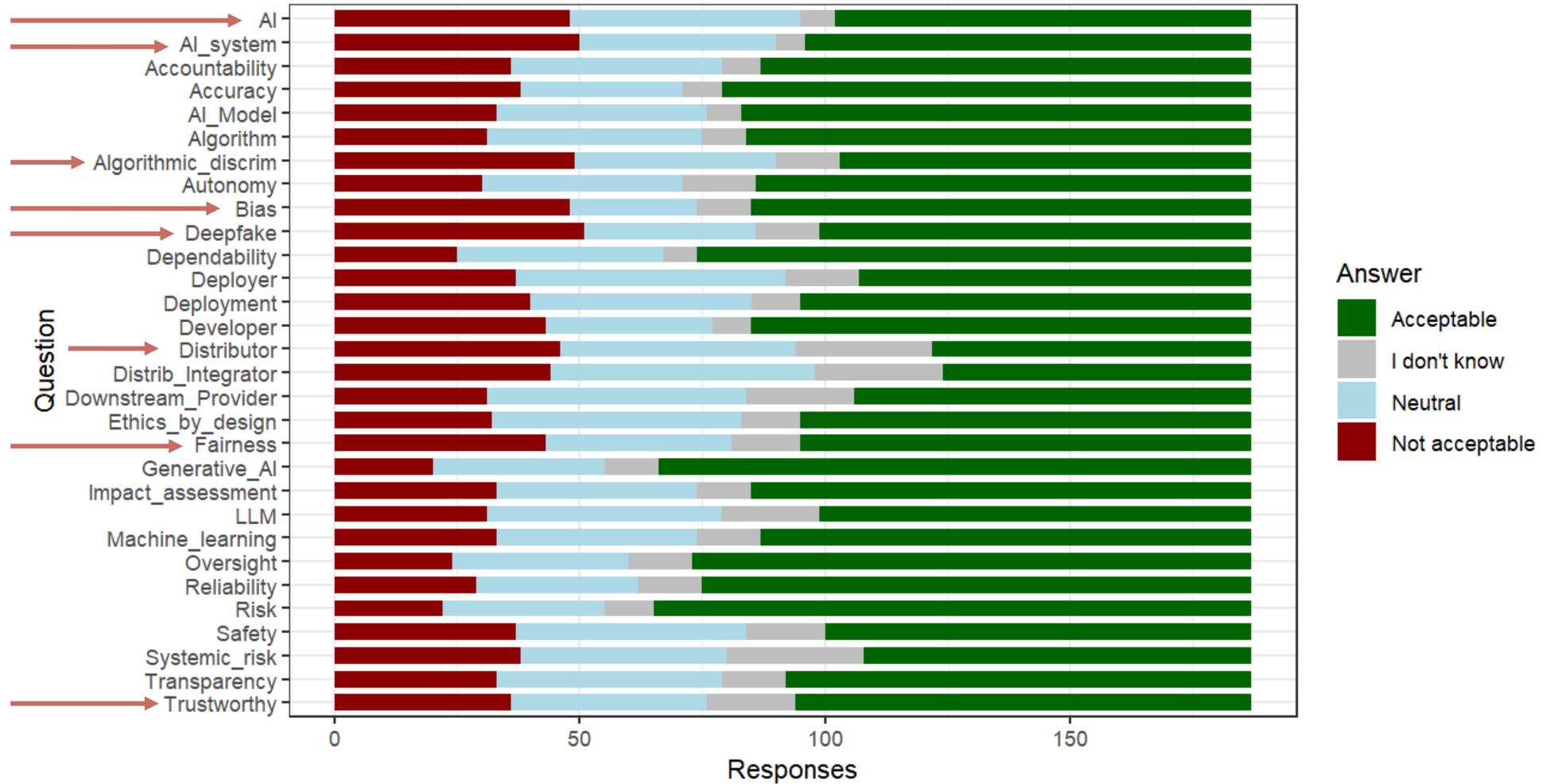
- Definitions were rated: Not Acceptable; Neutral; I Don't Know; Acceptable.
- Respondents also had three opportunities (every 10 definitions) to provide open-ended responses.
- Eight “controversial” terms were selected with the highest rates of disagreement and/or lowest rates of agreement (by average and standard deviation)

Next steps:

- The Task Force will review these definitions and decide whether to keep them as-is, replace them with another definition, edit the definition or make another suggestion.



PRELIMINARY AI TF Survey Results



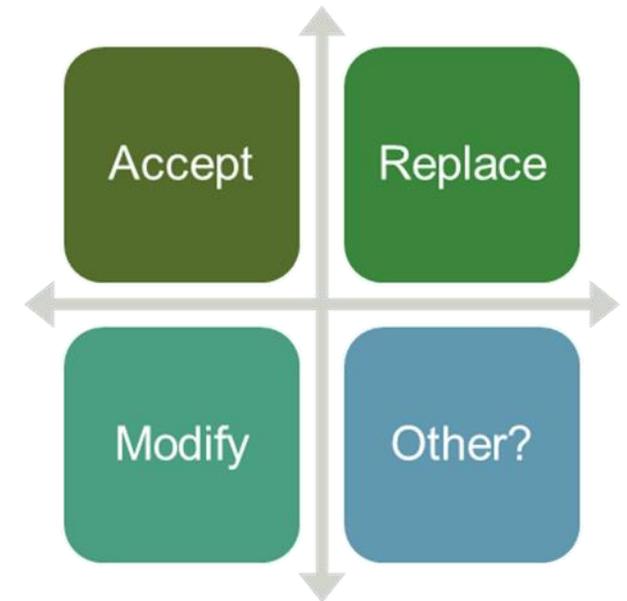
Definition Discussion: Artificial Intelligence (AI)

Term: Artificial Intelligence

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

Artificial intelligence systems use machine- and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action.

Source: Executive Order # 14110 on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

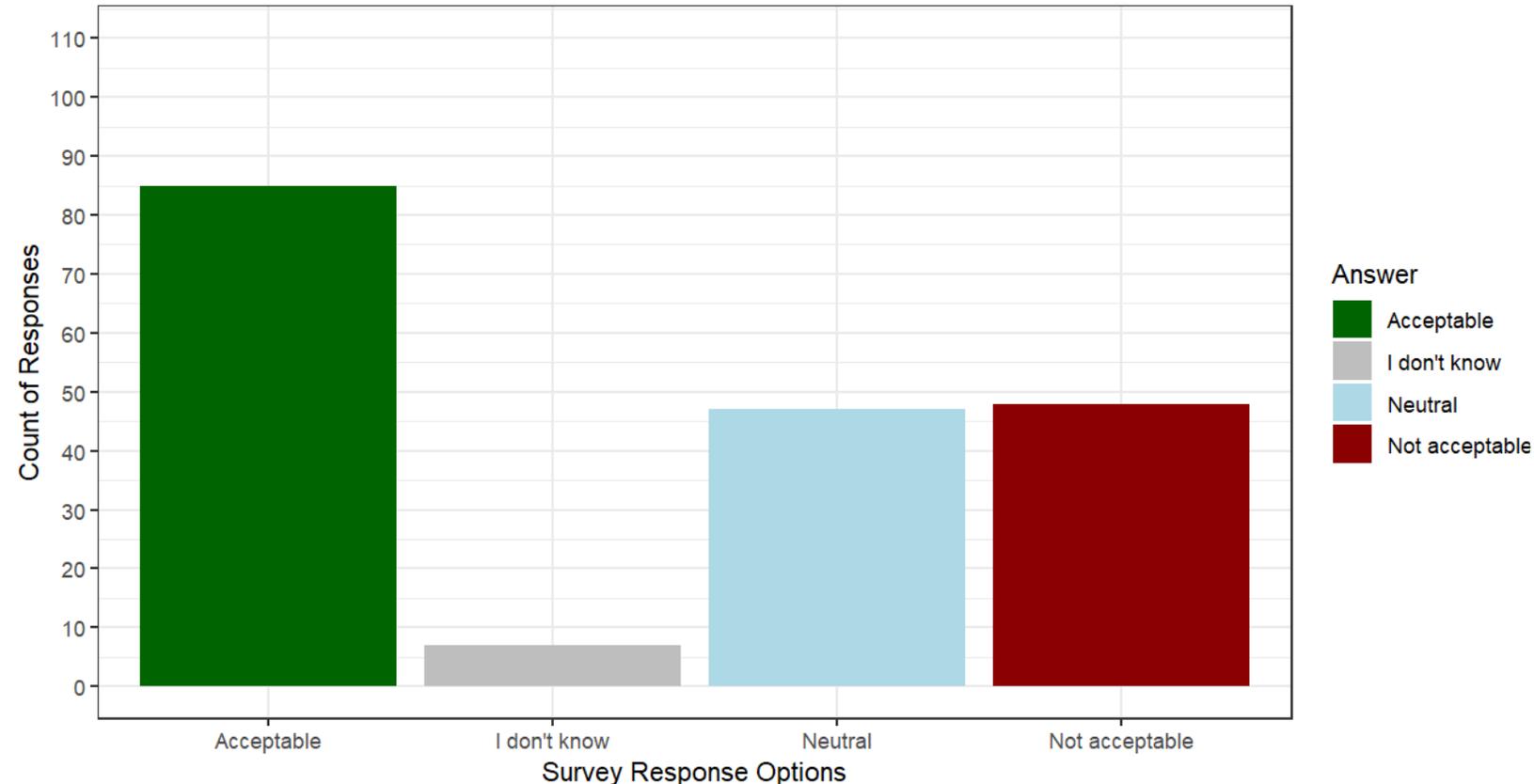


Definition Discussion- Artificial Intelligence

Term Highlight: AI

Selected Survey Suggestions:

- Replace with:
 - A definition of a field of research/study.
 - Consider NIST or CA state instead.
- Revise to:
 - Tailor & sharpen.
 - Update w/ language about generative AI.
 - Remove anthropomorphic language.
- Other implications:
 - Ideally, the definition for AI wouldn't also describe related concepts such as: google searches, computer programs, simple statistical methods, and/or Instagram filters.



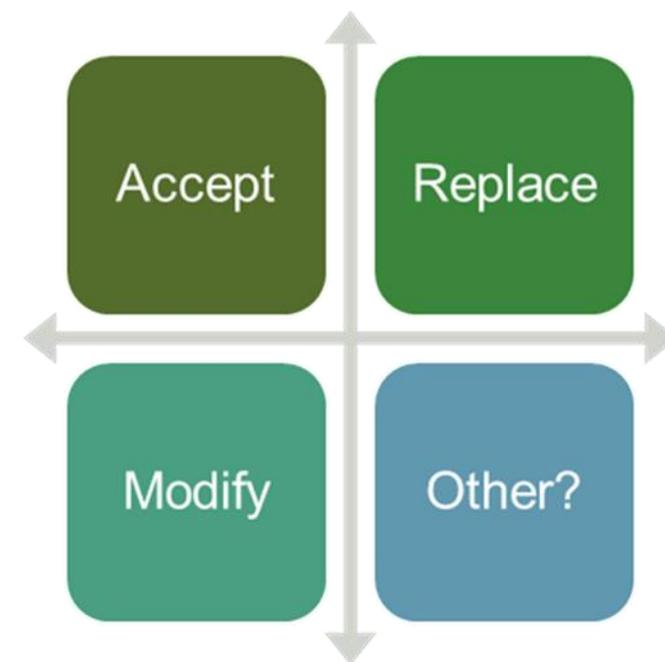
Artificial Intelligence Definition: A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. Artificial intelligence systems use machine- and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action.

Definition Discussion: AI System

Term: AI System

Definition: Any data system, software, hardware, application, tool, or utility that operates in whole or in part using AI.

Source: Executive Order # 14110 on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

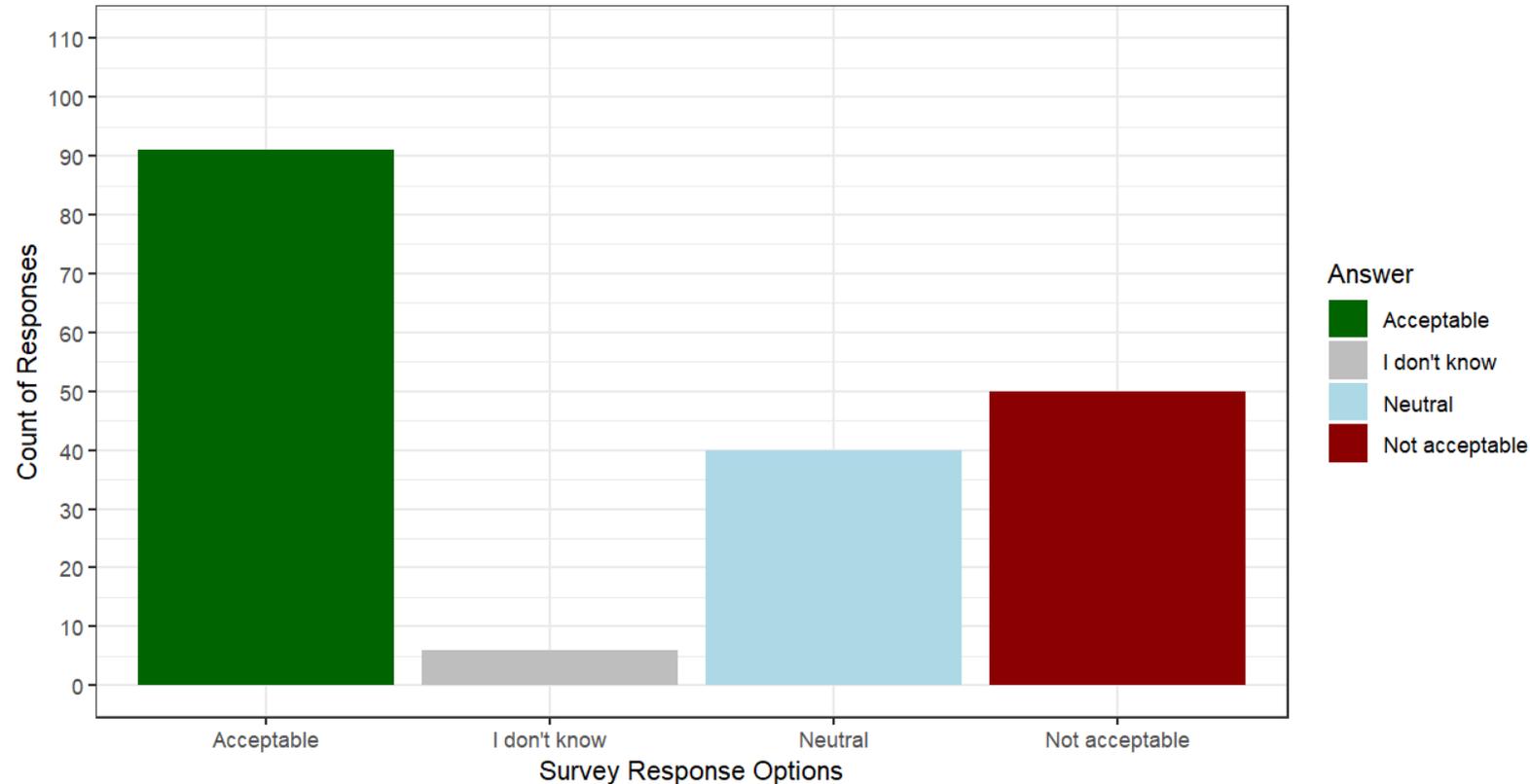


Definition Discussion- AI System

Term Highlight: AI_system

Selected Survey Suggestions:

- Revise to:
 - Tailor and sharpen.
 - Consider "AI Enhanced" or "AI Supplemented."
- Other implications:
 - Need for breadth of definition across different sectors and technologies.



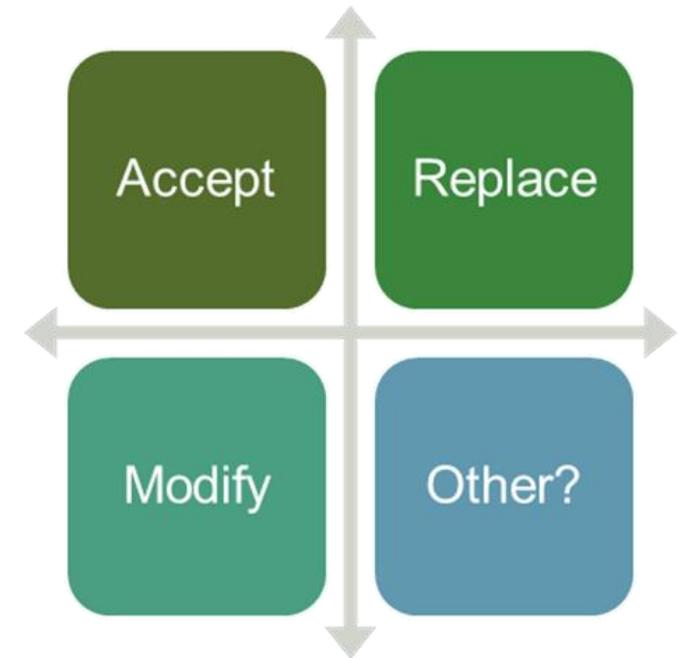
AI System Definition: Any data system, software, hardware, application, tool, or utility that operates in whole or in part using AI.

Definition Discussion: Algorithmic Discrimination

Term: Algorithmic Discrimination

Definition: Any use of a software system, including but not limited to an artificial intelligence system, that violates state or federal anti-discriminations law.

Source: Technology-Methodology Workgroup

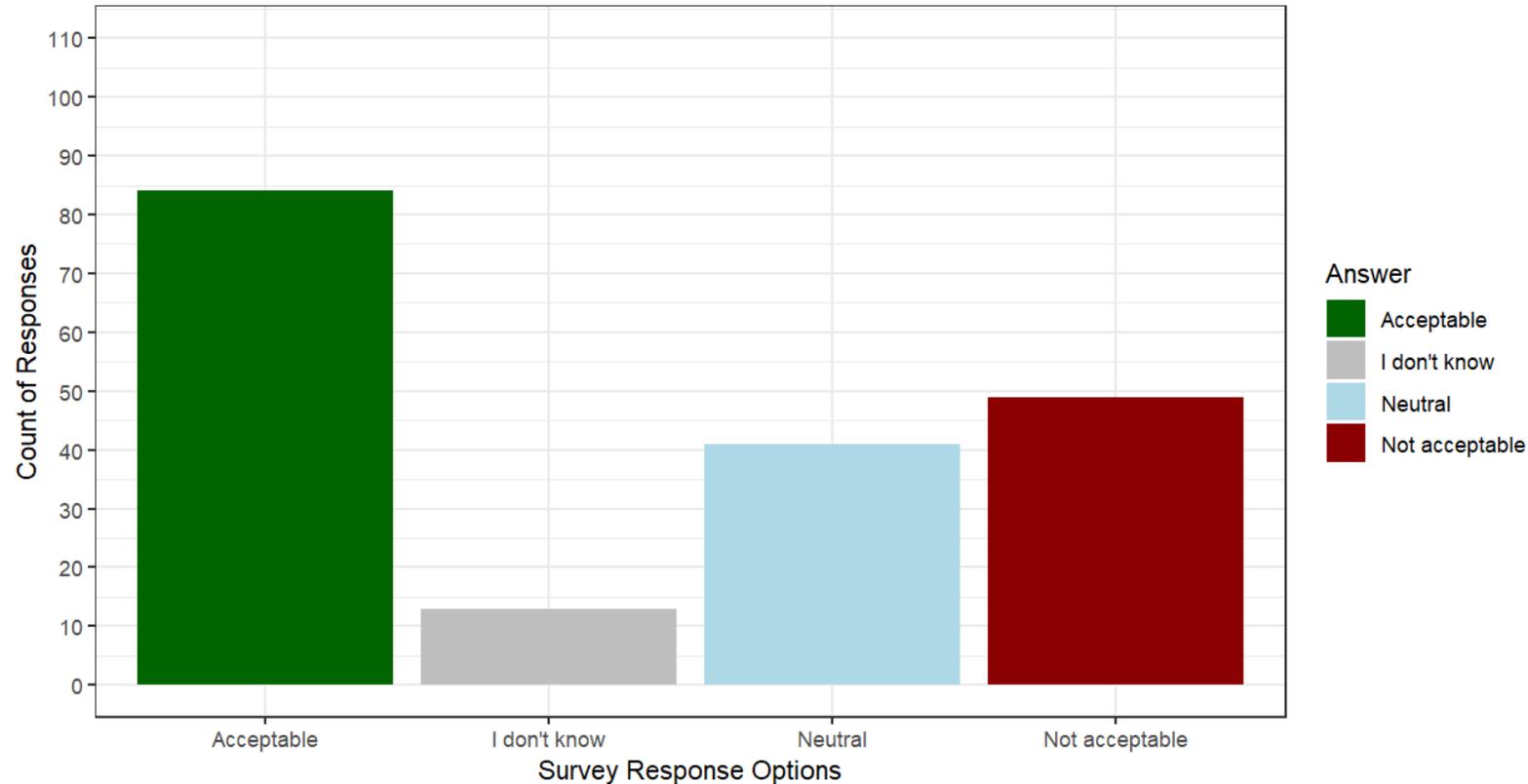


Definition Discussion- Algorithmic Discrimination

Term Highlight: Algorithmic_discrim

Selected Survey Suggestions:

- Replace with:
 - White House OSTP definition
 - Another term that doesn't imply similar legal liability as human-to-human discrimination.
- Other implications:
 - Be less broad.



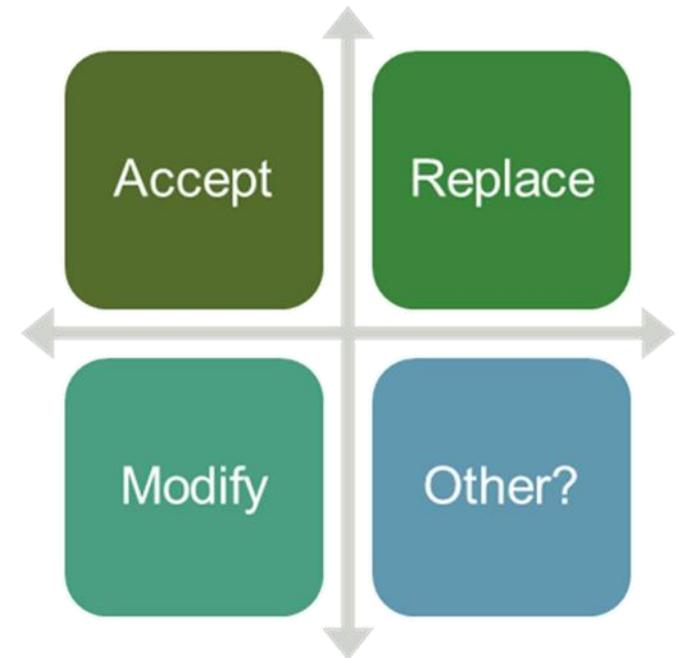
Algorithmic Discrimination Definition: Any use of a software system, including but not limited to an artificial intelligence system, that violates state or federal anti-discriminations law.

Definition Discussion: Bias

Term: Bias

Definition: The presence of prejudice or favoritism in AI systems that leads to unfair or discriminatory outcomes. AI can inherit biases from training data or human input, affecting groups based on gender, race, age, etc.

Source: International Association of Privacy Professionals (IAPP) Key Terms for AI Governance

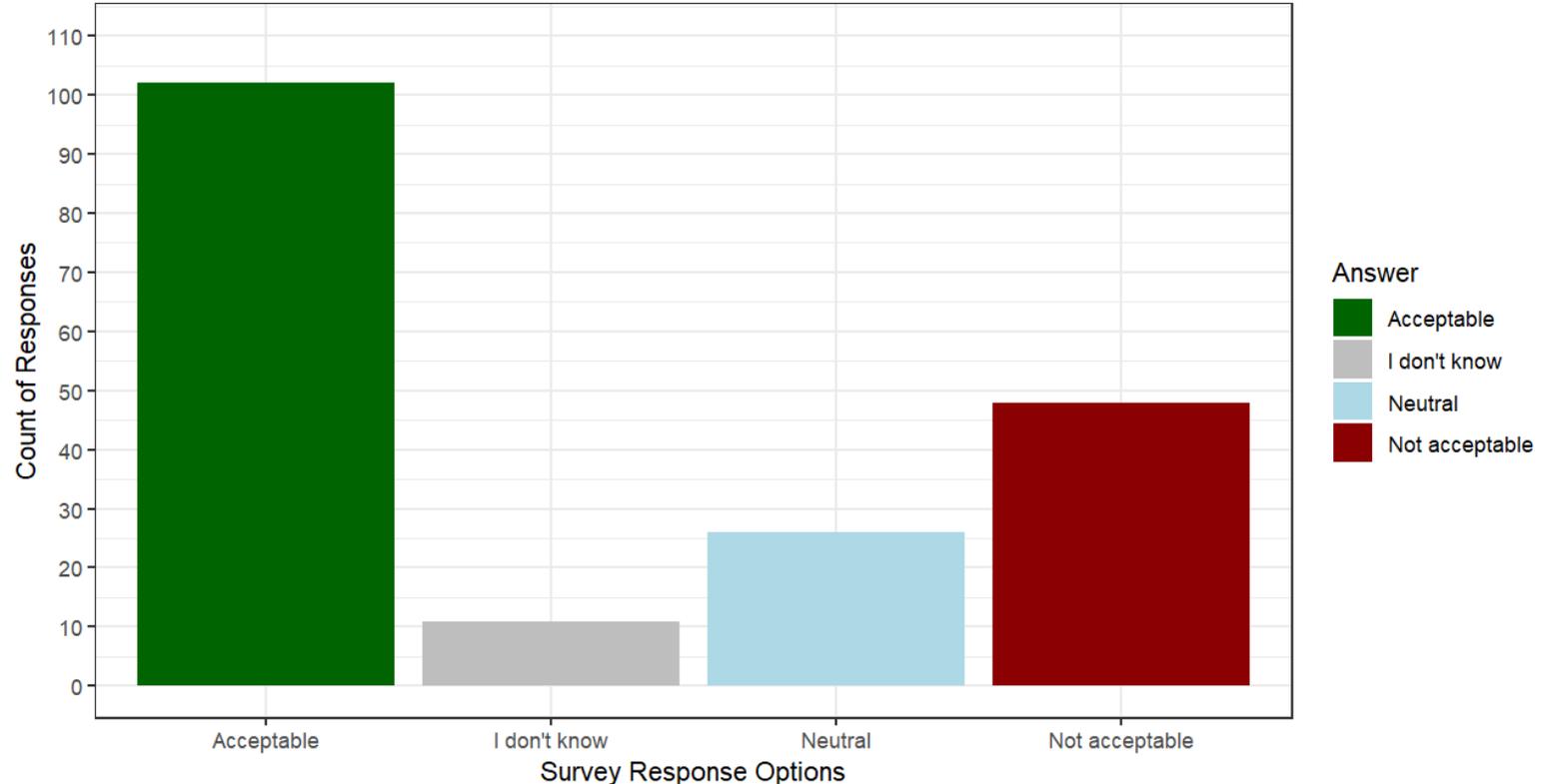


Definition Discussion- Bias

Selected Survey Suggestions:

- Revise to:
 - Add disability and other groups, instead of (or in addition) to “etc.”
 - Define specific sub-types of bias relevant to information industry (representation, algorithmic, and/or measurement bias).
- Other implications:
 - Bias already has an established, non-sociological meaning in information industry.

Term Highlight: Bias



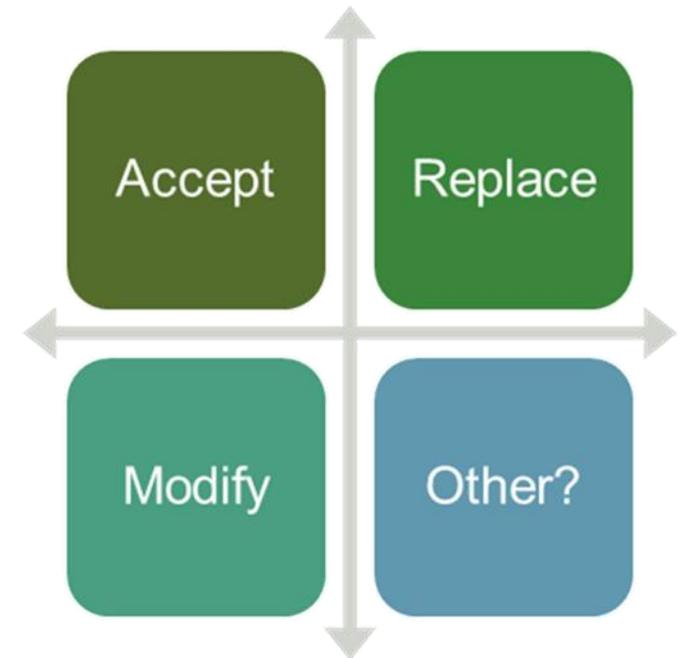
Bias Definition: The presence of prejudice or favoritism in AI systems that leads to unfair or discriminatory outcomes. AI can inherit biases from training data or human input, affecting groups based on gender, race, age, etc.

Definition Discussion: Deepfake

Term: Deepfake

Definition: Multimedia that has either been synthetically created or manipulated using some form of machine or deep learning (artificial intelligence) technology. Other terms used to describe media that have been synthetically generated and/or manipulated include Shallow/Cheap Fakes, Generative AI, and Computer-Generated Imagery (CGI).

Source: National Security Agency

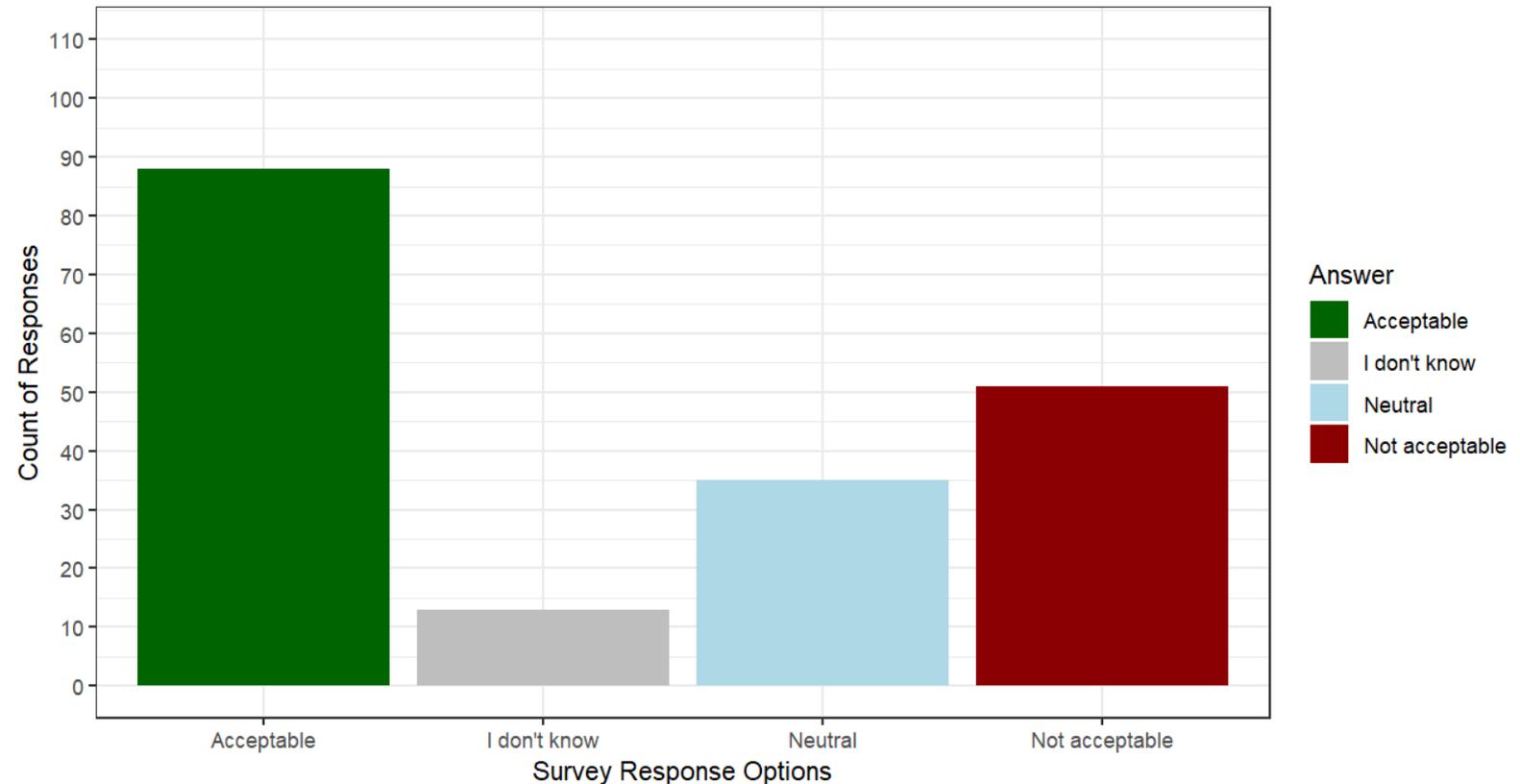


Definition Discussion- Deepfake

Term Highlight: Deepfake

Selected Survey Suggestions:

- Replace with:
 - NIST definition (updated October 2024)
- Revise to:
 - Separate from generative AI.
 - Add language on “intent to do harm” or “intent to manipulate.”
 - Avoid restricting fictional art.
 - Clarify & narrow the definition.
- Other implications:
 - Sectors (e.g. healthcare) beyond media.



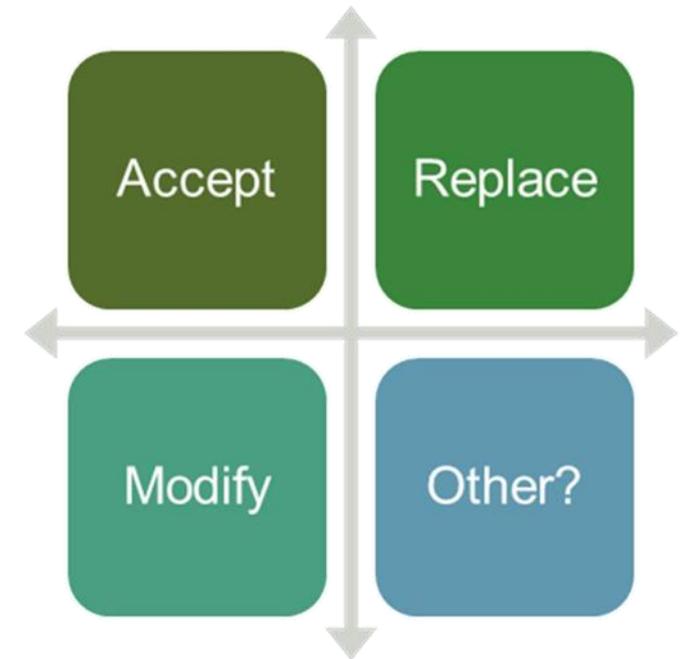
Deepfake definition: Multimedia that has either been synthetically created or manipulated using some form of machine or deep learning (artificial intelligence) technology. Other terms used to describe media that have been synthetically generated and/or manipulated include Shallow/Cheap Fakes, Generative AI, and Computer-Generated Imagery (CGI).

Definition Discussion: Distributor

Term: Distributor

Definition: A natural or legal person in the supply chain, other than the provider or the importer, that makes an AI system available on the Union market

Source: European Union Artificial Intelligence Act

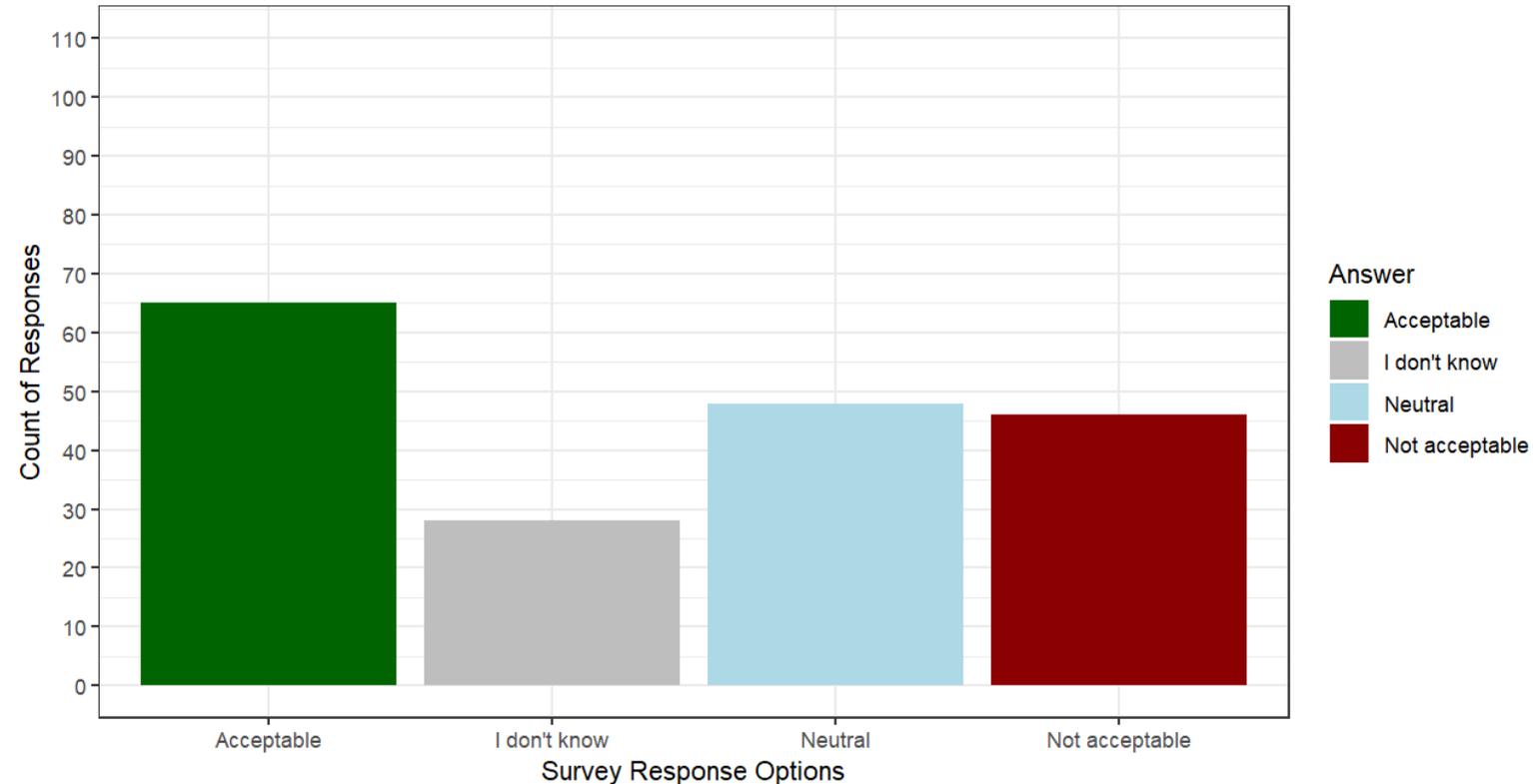


Definition Discussion- Distributor

Term Highlight: Distributor

Selected Survey Suggestions:

- Revise to:
 - Replace “Union Market.”
 - Replace “a natural or legal person” with "a legal entity."
- Other implications:
 - Cases when the distributor is the provider of the system (i.e. MS marketplace, google marketplace, etc.)



Distributor Definition: A natural or legal person in the supply chain, other than the provider or the importer, that makes an AI system available on the Union market.

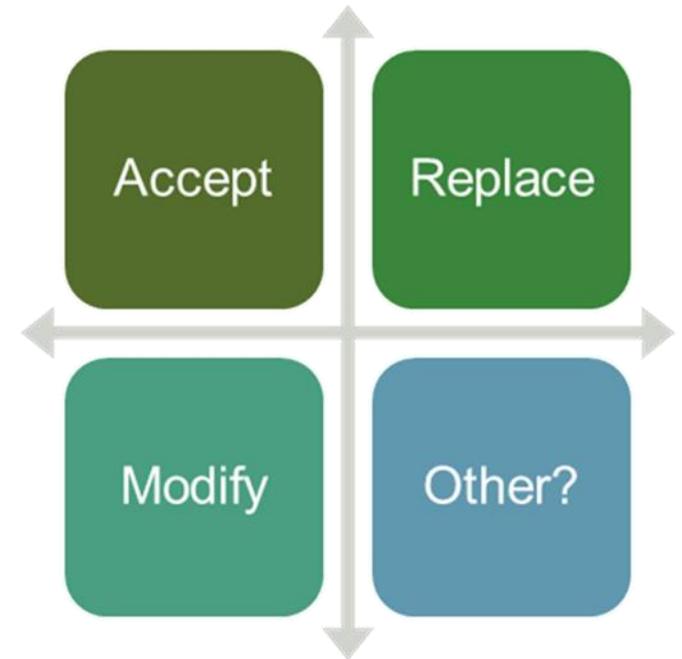
Definition Discussion: Fairness

Term: Fairness

Definition: An attribute of an AI system that prioritizes relatively equal treatment of individuals or groups in its decisions and actions in a consistent, accurate and measurable manner.

Every model must identify the appropriate standard of fairness that best applies, but most often it means the AI system's decisions should not adversely impact, whether directly or disparately, sensitive attributes like race, gender or religion.

Source: International Association of Privacy Professionals (IAPP) Key Terms for AI Governance

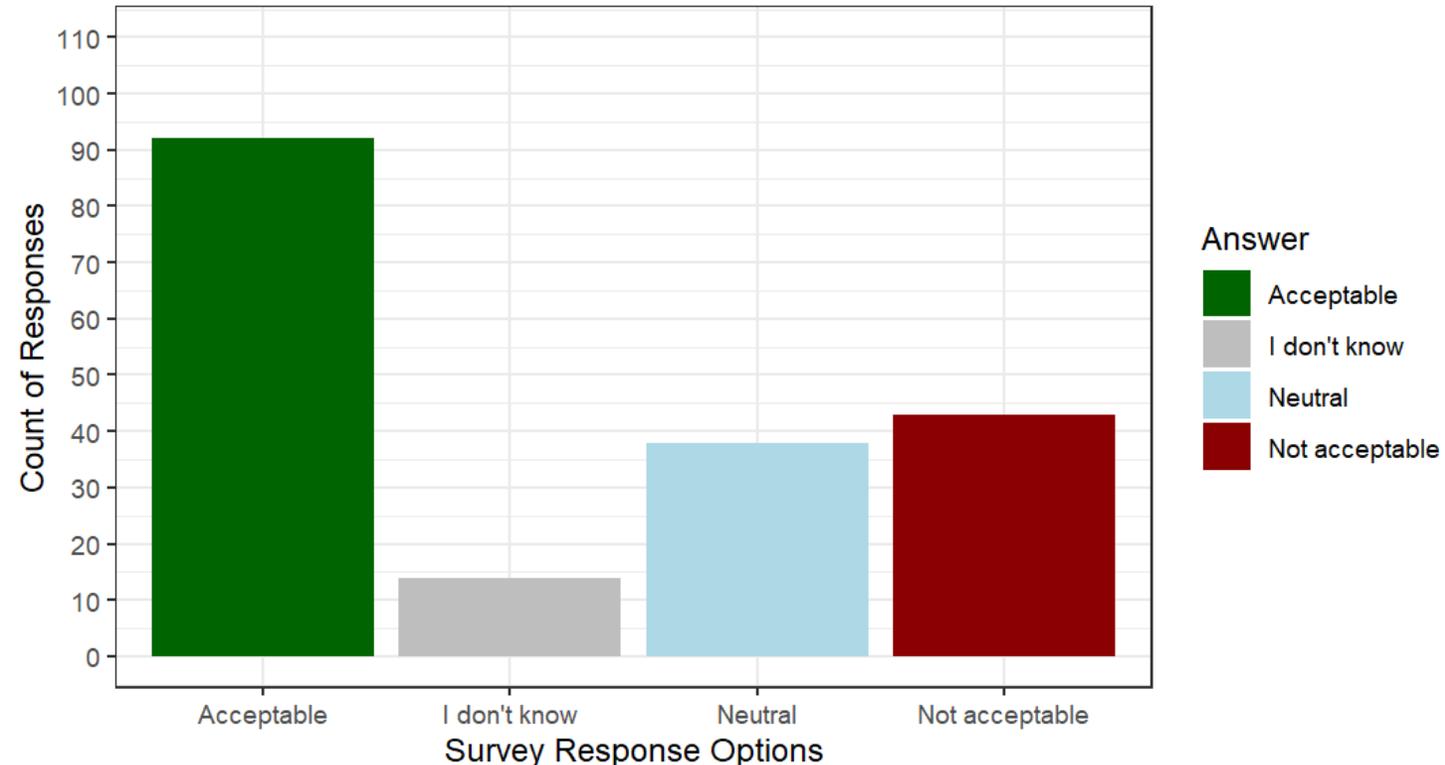


Definition Discussion- Fairness

Term Highlight: Fairness

Selected Survey Suggestions:

- Revise to:
 - Include reference to “algorithmic or AI fairness.”
 - Replace ‘equal’ with ‘equitable.’
- Other implications:
 - Fairness can vary depending on the specific application and context of the AI system.
 - There’s a desire to measure fairness “objectively” with benchmarks, but no specific suggestions.



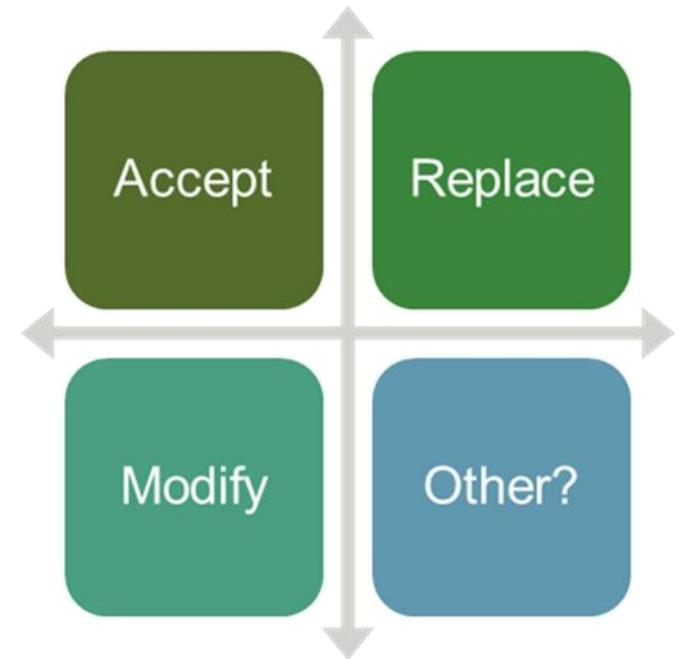
Fairness Definition: An attribute of an AI system that prioritizes relatively equal treatment of individuals or groups in its decisions and actions in a consistent, accurate and measurable manner. Every model must identify the appropriate standard of fairness that best applies, but most often it the AI system's decisions should not adversely impact, whether directly or disparately, sensitive attributes like race, gender or religion.

Definition Discussion: Trustworthy AI

Term: Trustworthy AI

Definition: In most cases, this term is used interchangeably with the terms responsible AI and ethical AI, which all refer to principle-based AI development and AI governance, including the principles of security, safety, transparency, explainability, accountability, privacy and nondiscrimination/non bias (see also bias), among others.

Source: International Association of Privacy Professionals (IAPP) Key Terms for AI Governance

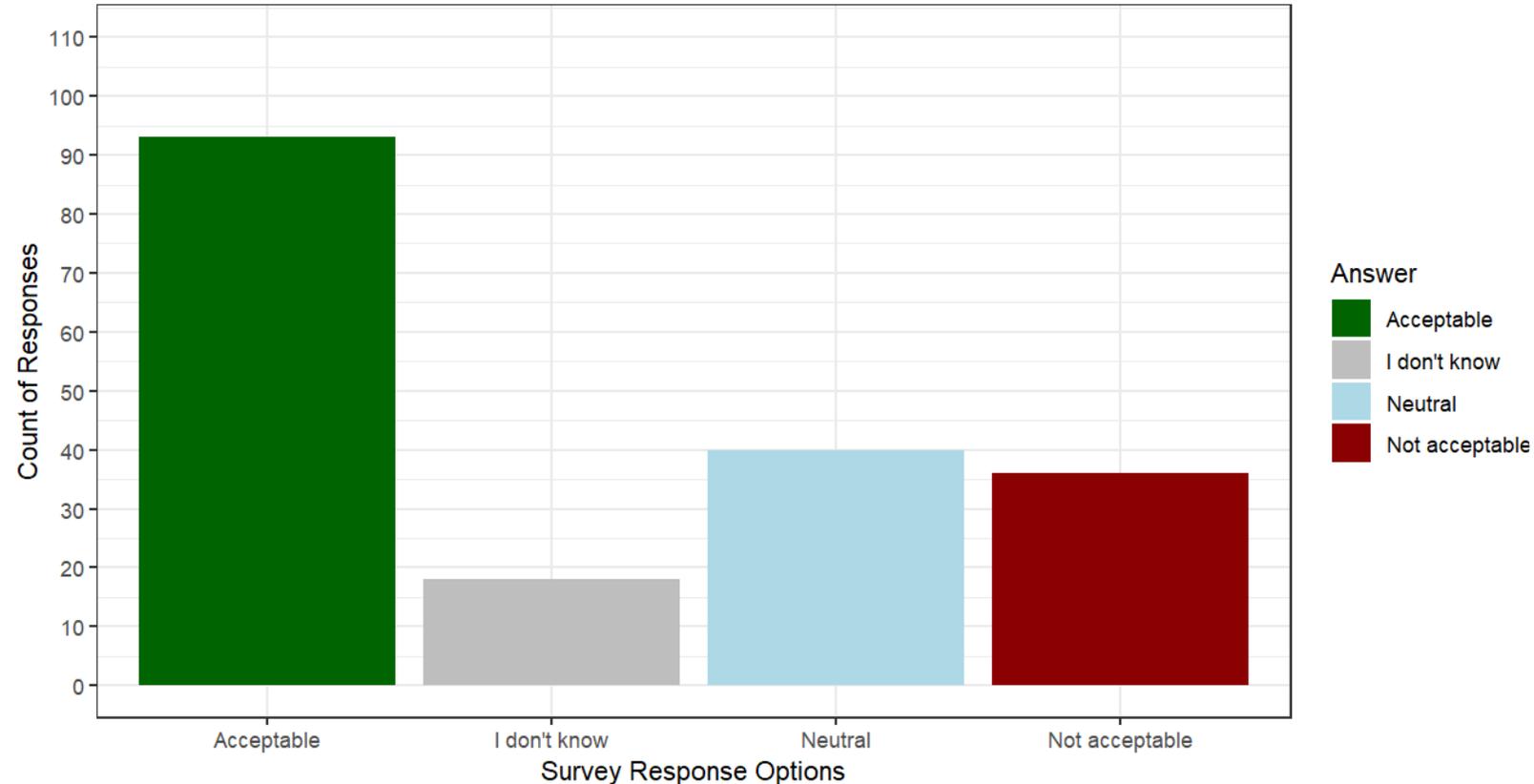


Definition Discussion- Trustworthy AI

Term Highlight: Trustworthy

Selected Survey Suggestions:

- Revise to:
 - Add references to fairness and equity.
 - Add “accuracy” to the list of principles.
 - Clarify what “trustworthy” of AI will require of industry.



Trustworthy Definition: In most cases, this term is used interchangeably with the terms responsible AI and ethical AI, which all refer to principle-based AI development and AI governance, including the principles of security, safety, transparency, explainability, accountability, privacy and nondiscrimination/non bias (see also bias), among others.

Broad Discussion – Open Response Sections

- Respondents favor aligning terms with NIST, ISO/IEC Standard 22989:2022, or other existing standards.
- Scoping terms is difficult – terms were often described as too ambiguous or too broad.
- AI is an emerging field, and constantly evolving, with terms constantly changing.
- Make sure to tailor definitions from EU contexts.
- Some requests for context & clarification are beyond what can reasonably be contained in a definition.
 - Of note, repeated calls for measurement, benchmarking, and monitoring strategies.
- Some respondents think we should always assume AI is inherently neutral (and remove any references to sociological concerns) and others think AI should *never* be assumed to be neutral.



Other Recommendations

Recommendation Discussion- Questions

1. Including any changes you made today; is there consensus the Task Force wants to recommend the term and definition list presented in the survey?

* This is not the final vote on these recommendations. Draft recommendations will be presented to the public to help inform the public hearing.

2. What other considerations on the use of AI terms and definitions does the Task Force want to elevate to the Legislature in the final report?

* Example from a previous Task Force meeting: *“Terminology defining Artificial Intelligence is constantly changing, etc.”*



Public Hearing Process

JTFAI Public Comment

- The Joint Task Force on Artificial Intelligence will take public comment online on Friday, November 15th starting at 10:00 am.
 - Comments should be focused on the draft recommendations.
 - Draft recommendations will be posted on OLIS early next week at:
<https://apps.oregonlegislature.gov/liz/202311/Committees/JTFAI/2024-11-15-10-00/Agenda>
- Members of the public can sign-up to testify at:
https://survey.sjc1.qualtrics.com/jfe/form/SV_50jQqG3vRN7YJ2m
 - The sign-up list will automatically close at 9:30 a.m. on Nov. 15th.
- The public may also submit written comment to jtfai.exhibits@oregonlegislature.gov
 - The deadline to submit written testimony is 10:00 am on Tuesday, November 19th.

