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September 18, 2024

Senator Adam Ebbin
Chair, Joint Commission on Technology and Science
Room No: 611
Senate of Virginia
P. O. Box 396
Richmond, VA 23218

Senator Lashrecse Aird
General Assembly Building
Room No: 615
Senate of Virginia
P. O. Box 396
Richmond, VA 23218

Dear Senators Ebbin and Aird,

Thank you for the opportunity to testify on the important issue of high-risk artificial intelligence (AI) systems and to provide further feedback on the proposed legislation. I appreciate your leadership in ensuring responsible AI governance in Virginia. As the bill progresses, I would like to emphasize three key points regarding its potential impact on local governments.

1. Local Government Representation on JCOTS AI Workgroup
The current draft legislation outlines the development of policies for AI systems by public bodies but does not explicitly provide for local government representation in the JCOTS AI Workgroup. Local governments are increasingly reliant on AI to deliver services efficiently, and their unique perspective is essential in shaping the responsible use of AI across the Commonwealth. Including local government representatives on the JCOTS AI Workgroup will ensure that the needs and challenges faced by municipalities are adequately addressed and that state-wide AI policies are practical and applicable at all levels of government.

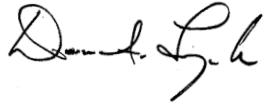## 2. State Incentives and Training Opportunities for Local Governments
To ensure the responsible deployment and use of AI technologies, particularly high-risk AI systems, it is critical that the state provides incentives and training for local governments. Many municipalities may lack the resources to fully assess the risks and benefits of AI implementation. Providing access to state-sponsored training programs, workshops, and financial incentives will equip local officials with the necessary tools to responsibly incorporate AI into their operations, ensuring compliance with state regulations and promoting safe, effective AI use.

3. Local Discretion in Using Non-High-Risk AI Systems
The bill appropriately addresses the risks posed by high-risk AI systems; however, many AI applications fall outside of the high-risk category, such as spam filtering or data storage. Local governments should retain discretion to adopt and implement AI tools that are not classified as "high-risk" without the burdensome regulatory framework required for high-risk systems. This flexibility will allow local governments to continue leveraging AI for low-risk tasks that enhance operational efficiency while focusing resources on managing high-risk systems responsibly.

Thank you again for the opportunity to provide input, and I look forward to working together to ensure that the legislation supports both state and local governments in the responsible use of AI. Please feel free to contact me should you require any further information or clarification.

Sincerely,

Dean A. Lynch, CAE
Executive Director
Virginia Association of Counties