

**Written Testimony of Michelle Nie
In Support of House Bill 25-1212**

**Colorado General Assembly – House Judiciary Committee
March 4, 2025**

Dear Chair Mabrey and Vice Chair Carter,

I am writing to express my strong support of HB25-1212 on public safety protection from artificial intelligence systems. As a consultant and researcher who has worked on multiple projects for the State of Colorado, including Opportunity Now Colorado and the Colorado Middle Income Housing Authority, and who has studied best practices for whistleblower protections for AI researchers,¹ I believe this bill includes many robust protections for AI company workers that could be crucial in incentivizing them to speak up in good faith about risks to the public interest.

Whistleblower protection laws specific to AI are needed more than ever because current whistleblower protections generally apply to activity that is illegal. Given that the rapid advancement of AI technology greatly outpaces our ability to regulate it and establish clear legal boundaries, robust interim measures such as HB25-1212 are essential. The bill's protection of whistleblowing with respect to "a substantial risk to public safety or security, even if the developer is not out of compliance with any law" sends a powerful message that acknowledges the general applications of these systems and their far-reaching impacts on society.

Furthermore, the creation of internal reporting channels should be commended as a best practice that will ensure that relevant information gets into the hands of appropriate stakeholders as efficiently as possible. Studies show that as much as 89% of whistleblowers report only internally.² Internal reporting is often the best way to get information to relevant decision-makers who can contribute to the early and effective resolution of concerns.

Another strong feature of the bill is the provision of an anonymous reporting process, which will alleviate concerns about the extreme personal risk involved in whistleblowing. According to one study, 69% of surveyed whistleblowers lost their jobs or were forced to retire, and 64% were blacklisted from getting another job in their field.³ In an industry where there are only a handful of companies at the frontier of AI development, being blacklisted from one's employer could mean never getting hired again. Procedures to allow for confidential and anonymous reporting could shield workers from the often enormous reputational and financial costs of whistleblowing.

¹ Michelle Nie, "Governments Need to Protect AI Industry Whistleblowers: Here's How," *AI Policy Bulletin*, February 24, 2025,

<https://www.aipolicybulletin.org/articles/governments-need-to-protect-ai-industry-whistleblowers-heres-how>.

² Ethics Resource Center, "National Government Ethics Survey: An Inside View of Public Sector Ethics," 2008, <https://www.whistleblowers.org/wp-content/uploads/2018/11/ethicsresourcecentersurvey.pdf>.

³ Tanya M. Marcum and Jacob Young, "Blowing the whistle in the digital age: Are you really anonymous? The Perils and pitfalls of anonymity in whistleblowing law," *DePaul Bus. & Comm. LJ* 17 (2019): 1.

Monetary relief for workers whose employers violate the bill will also act as financial insurance against the act of whistleblowing.

Lastly, the prohibition of contracts that limit workers from disclosing good faith concerns about public safety or security, such as through non-disparagement agreements, is important not only to strengthen whistleblower protections but also to set company standards. Over five hundred former OpenAI employees, many of whom have had safety or security concerns,⁴ have signed non-disparagement clauses under the threat of their equity being revoked.⁵

History has shown that we cannot count on corporations to do the “right thing.” Indeed, voluntary policies and procedures can only go so far — as current and former employees of OpenAI, DeepMind, and Anthropic warned in an open letter, companies have “strong financial incentives to avoid effective oversight.”⁶

My research has shown that many workers at leading AI companies have a genuine interest in furthering the potential of groundbreaking technologies, but many have valid safety concerns. Many have felt that they had nowhere to turn to due to their companies’ restrictive policies. In light of these concerns, by cementing these whistleblower protections into law, Colorado can set a powerful standard for whistleblower legislation specific to AI.

I am always impressed by how forward-thinking Colorado is on many issues, including the risks posed by artificial intelligence. I believe in the power of Colorado to not only become a pioneer in safe innovation in AI, but also to set a strong precedent in protecting workers at the forefront of this innovation.

Thank you for your consideration.

Michelle Nie

⁴ Kevin Roose, “OpenAI Insiders Warn of a ‘Reckless’ Race for Dominance,” *The New York Times*, June 4, 2024, <https://www.nytimes.com/2024/06/04/technology/openai-culture-whistleblowers.html>.

⁵ Kelsey Piper, “Leaked OpenAI documents reveal aggressive tactics toward former employees,” *Vox*, May 23, 2024, <https://www.vox.com/future-perfect/351132/openai-vested-equity-nda-sam-altman-documents-employees>.

⁶ Hilton et al., “A Right to Warn about Advanced Artificial Intelligence,” June 4th, 2024, <https://righttowarn.ai/>.