



2009 Session of the General Assembly: Science and Technology Legislative Update (Enacted)

JCOTS Legislation

HB 1876 (Cosgrove)

Text messaging and emailing while driving. Prohibits operation of a motor vehicle on the highways in the Commonwealth while using any handheld personal communications device to manually enter multiple letters or text or to read a text message. This bill provides exemptions for using global positioning systems (GPS), reading caller identification information, and using a wireless telecommunications device to report an emergency. The provisions of this bill do not apply to operators of emergency vehicles.

HB 1940 (Peace) and SB 1173 (Watkins)

Open education resource centers; fund established; pilot project. Requires the State Board for Community Colleges, in consultation with the Virginia Department of Education and the State Council of Higher Education for Virginia, to develop a competitive grant pilot program to provide grants to community colleges to establish open education resource centers in the Commonwealth. To qualify for a grant, community colleges shall be required to demonstrate a partnership with faculty or staff from at least one local school division and one institution of higher education in the Commonwealth. Grants would be awarded on a competitive basis with guidelines established in the bill. The bill also establishes a fund authorizing both public and private contributions. The provisions of this bill would not become effective until either an appropriation of general funds effectuating the purposes of this bill is included in a general appropriations act passed by the 2009 or 2010 Session of the General Assembly, which becomes law, or funds from other private or public sources are deposited into the Open Education Resource Grant Fund by July 1, 2010.

HB 1941 (Peace) and SB 1174 (Watkins)

Patent and copyright policies of the Commonwealth. Requires the Secretary of Administration, in consultation with the Secretary of Technology, to establish policies, subject to the approval of the Governor, regarding the use of patents and copyrights owned by the Commonwealth. Such policies shall include, at a minimum, the following:

1. A policy granting state agencies the authority over the protection and release of patents and copyrights created by employees of the agency. Such policy shall authorize state agencies to

release all potentially copyrightable materials under the Creative Commons or Open Source Initiative licensing system, as appropriate.

2. A provision authorizing state agencies to seek patent protection only in those instances where the agency reasonably determines the patent has significant commercial value. The responsible state agency shall file with the Secretary a summary of the expected commercial value of the patent.

3. A procedure authorizing state agencies to license or transfer to a state employee any interest in potentially patentable material developed by that employee during work hours.

4. A procedure authorizing state agencies to license or transfer to a private entity any interest in potentially patentable material developed by that agency.

The bill also requires the Secretary of Administration, in consultation with the Secretary of Technology, to submit a final copy of the patent and copyright policy to the House Committee on Science and Technology, Senate Committee on General Laws and Technology, and the Joint Commission on Technology and Science no later than December 1, 2009.

HB 2177 (Plum)

Rechargeable battery recycling. Authorizes localities to ban the disposal of certain rechargeable batteries in any waste-to-energy or solid waste disposal facility within its jurisdiction, provided the locality has implemented a recycling program that is capable of handling all rechargeable batteries generated within its jurisdiction.

HB 2426 (May) and SB 1318 (Houck)

Government Data Collection and Dissemination Practices Act; collection of social security numbers. Extends from July 1, 2009, to July 1, 2010, the implementation of the prohibition against collecting an individual's social security number unless collection of such number is (i) authorized or required by state or federal law and (ii) essential for the performance of that agency's duties. The bill contains several technical amendments, all to become effective July 1, 2010.

HB 2430 (May)

Electronic delivery of insurance notices. Authorizes property, casualty, life, and certain other types of insurers to electronically transmit notices, other than notices of cancellation or termination of a policy, to the insured person. The insured's consent to receiving such notices electronically is required. If the parties agree to conduct business by electronic means, the agency of record shall be notified. Copies of electronic notifications are also required to be

transmitted to the agent of record not more than 72 hours after the notice is transmitted to the insured.

Other science and technology related legislation

HB 1926 (Lewis) and SB 1492 (Northam)

Wallops Research Park; aerospace-related economic development. Allows Accomack County to utilize existing service district authority to construct, maintain, and operate facilities and other infrastructure, services, or amenities as may be necessary to provide access for aerospace-related economic development to the NASA/Wallops Flight Facility runway and related facilities in the Wallops Research Park. The Virginia Wallops Research Park Leadership Council is also established as an oversight body for the operation of the Wallops Research Park.

HB 1927 (Lewis)

Virginia Commercial Space Flight Authority; membership of board of directors. Increases the number of members of the board from 12 to 13 by adding another gubernatorial appointee who represents the commercial space flight industry.

HB 2022 (Rust)

Council on Technology Services; repealed. Repeals the Council on Technology Services.

HB 2023 (Rust)

Powers of VITA. Authorizes Virginia Information Technologies Agency (VITA), subject to approval by the Secretary of Technology and any other affected Secretariat, to delegate to an agency within the executive branch the power to provide for the centralized marketing, provision, leasing, and executing of license agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media. The delegated agency would be authorized to fix and collect fees and charges for such services.

HB 2044 (Nixon)

Health information technology; adoption of standards. Allows the Information Technology Investment Board to establish an advisory committee, consisting of persons with expertise in health care and information technology, to advise it on the adoption of nationally recognized health information technology technical and data standards.

HB 2201 (Vanderhye) and SB 1456 (Peterson)

Oversight of research and development in the Commonwealth. Merges the Innovative Technology Authority (ITA), and the Virginia Research and Technology Advisory Commission into a single entity, named the Innovation and Entrepreneurship Investment Authority (IEIA). The IEIA will have 13 members as follows: three presidents of state institutions of higher education to be appointed by the Governor, the Secretary of Technology, three nonlegislative citizen members appointed by the Governor, three nonlegislative citizen members appointed by the Speaker of the House from a list recommended by the House Committee on Science and Technology and the Joint Commission on Technology and Science, and three nonlegislative citizen members appointed by the Senate Committee on Rules from a list recommended by the Senate Committee on General Laws and Technology and the Joint Commission on Technology and Science. The nonlegislative citizen members shall represent the entrepreneurial, investment, and science and technology communities according to specific guidelines in the bill. The IEIA will continue the work of the ITA, with heightened responsibilities regarding the oversight of research and development efforts in the Commonwealth.

HB 2415 (Bouchard)

Commonwealth Technology Research Fund. Adds robotics and unmanned vehicle systems to the list of eligible research programs.

HB 2423 (May) and SB 1336 (Puckett)

Broadband Advisory Council. Establishes the Governor's Broadband Advisory Council. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth. The council shall be staffed by the Office of Telework Promotion and Broadband Assistance. Technical amendments to the bill adjust the membership of the Council.

HB 2427 (May)

Protection of Social Security Numbers Act; penalties. Provides that the first five digits of a social security number contained in a public record shall be confidential and exempt from disclosure under the Freedom of Information Act. The bill does allow release of a social security number under certain limited circumstances, including proper judicial order; to federal, state or local law-enforcement or correctional personnel; by one agency to another agency in Virginia or to an agency in another state, district, or territory of the United States; and to any data subject exercising his rights under the Government Data Collection and Dissemination Practices Act. The bill provides for penalties for violation.

HB 2453 (Sickles)

Electronic prescribing. Requires the Secretary of Health and Human Services, in consultation with the Secretary of Technology, to establish a website with information on electronic prescribing for health practitioners, which shall contain information about the process and advantages of electronic prescribing, the availability of electronic prescribing products, links to federal and private-sector websites that provide guidance on selecting electronic prescribing products, and links to federal and private sector incentive programs for implementing electronic prescribing. The bill requires the Secretary of Health and Human Resources in consultation with the Secretary of Technology to regularly consult with relevant public and private stakeholders to assess and accelerate implementation of electronic prescribing in Virginia. This bill further provides that, beginning in 2010, any health practitioner who contracts with the Commonwealth for the provision of health services will be required to utilize electronic prescribing to the maximum extent practicable. This bill directs the Department of Medical Assistance Services to develop programs and incentives to encourage the adoption of electronic prescribing by Medicaid providers.

HB 2539 (Nixon)

Virginia Information Technologies Agency (VITA); Division of Enterprise Applications established. Establishes the Division of Enterprise Applications within VITA to oversee the Commonwealth's efforts to modernize the planning, development, implementation, improvement, and retirement of Commonwealth applications, including the coordination and development of enterprise-wide or multi-agency applications. The Division would be headed by the current director of the Virginia Enterprise Applications Program (VEAP) who would serve as the initial Chief Applications Officer (CAO). The CAO would be a permanent position appointed by, and reporting to, the Chief Information Officer (CIO) of the Commonwealth. The bill clarifies that the Information Technology Investment Board's contract with the Chief Information Officer may be for a term of up to five years. The bill also appoints the Secretary of Finance to the ITIB in place of the Governor's appointment from a list of individuals nominated by the legislature and establishes the Secretary of Technology as the permanent vice-chairman.

HB 2665 (May)

Virginia Broadband Infrastructure Loan Fund. Creates the Virginia Broadband Infrastructure Loan Fund. The Fund would be administered by the Virginia Resources Authority. Money in the Fund would be used exclusively for the financing of broadband infrastructure projects undertaken by a local government. Priority for loans would be given to projects that will utilize private industry in operating and maintaining the projects where private involvement will provide cost savings, to projects that serve two or more local governments, and to projects in unserved areas.

SB 892 (McDougle)

Information Technology Investment Board; approval of the development of certain major information technology projects. Requires the Governor to identify in his proposed budget bill all major information technology projects that have or are pending project development approval. The bill specifies what information must be included in the budget bill regarding major information technology projects and defines "major information technology project" as any state agency information technology project that (i) is mission-critical, (ii) has statewide application, or (iii) has a total estimated cost of more than \$1 million. Additionally, the bill requires the CIO to determine whether funding for a major information technology project is included in the Governor's budget bill prior to the development of such project.

SB 936 (Cuccinelli) and HB 2285 (Cline)

Auditor of Public Accounts; searchable database website of state budget expenditures and revenues. Requires the Office of the Auditor of Public Accounts to include on its existing searchable database information regarding state audits or reports relating to public entities, capital outlay payments, and annual bonded indebtedness. The bill also provides for the searchable database to include the following additional elements as they become available through improved enterprise or other systems: (i) commodities, (ii) Virginia Performs data that directly relates to funding actions or expenditures, (iii) descriptive purposes for funding actions or expenditures, (iv) laws authorizing the issuance of bonds, and (v) copies of actual grants and contracts. In addition, the bill requires the Department of General Services, the Virginia Information Technologies Agency, and the State Comptroller to develop and maintain standard accounting information for use by all agencies and institutions for payments and purchases.

SB 1163 (Watkins)

Composition of the Wireless E-911 Services Board. Adds the Director of the Virginia Department of Emergency Management as a permanent member of the Board and replaces the CIO as chairman. The bill also adds the Director as a permanent member of the Wireless Carrier E-911 Cost Recovery Subcommittee and replaces the CIO as chairman.

SB 1164 (Watkins)

Authorized payments from the Wireless E-911 Fund. Adds operating expenses and administrative costs of the Division of Public Safety Communications as authorized payments from the Wireless E-911 Fund.

SB 1338 (Herring)

Promotion of science and technology-based research, development, and commercialization in the Commonwealth. Makes several changes to the Code of Virginia to

encourage research, development, and commercialization of advancements in science and technology in the Commonwealth. The bill changes the existing Commonwealth Technology Research Fund to the Commonwealth Research Commercialization Fund to better focus the moneys available under this program to key areas of research and development in the Commonwealth, to emphasize the importance of commercialization of research and development through matching-funds programs and the leveraging of private and federal funds for commercialization activities, and to provide a loan program for the construction of facilities utilized in commercializing qualified research. Additionally, the bill amends the existing qualified equity and subordinated debt investment tax credit to limit its applicability only to companies engaged in science and technology-related businesses, and to encourage investment in companies focused on commercializing research developed at universities. This bill is a recommendation of the Joint Subcommittee Studying Biosciences and Biotechnology in the Commonwealth (House Joint Resolution 248).

SB 1384 (Stolle) and HB 2313 (Kilgore)

Illegal software, ticket sales; penalty. Provides that resale of event tickets via the Internet is not subject to prohibition by local ordinance. The bill also clarifies the definition of "without authority" in the Computer Crimes Act and the definition of "improper means" in the Uniform Trade Secrets Act and makes a violation of the Uniform Trade Secrets Act a prohibited practice under the Consumer Protection Act.