



## **Joint Commission on Technology and Science**

**December 2, 2008 10:00 a.m.**

**House Room D, General Assembly Building**

**Richmond, Virginia**

(Teleconferenced Location: 510 Cumberland Street, Suite 308; Bristol VA)

- **Call to order, introductions.**

Delegate May called the meeting to order.

- **Annual Update from the CIO**

- **Lem Stewart, Chief Information Officer of the Commonwealth**

Lem Stewart, Chief Information Officer of the Commonwealth, provided his annual update to JCOTS. A copy of his presentation is available on the JCOTS website. Members asked questions concerning the responsibilities of the Virginia Information Technologies Agency and the Virginia Enterprise Applications Program, as well about increased costs -- especially for data storage.

- **Annual Update from the Center for Innovative Technology**

- **Pete Jobse, President, Center for Innovative Technology**

Pete Jobse, President of the Center for Innovative Technology, provided his annual report to JCOTS. A copy of his presentation is available on the JCOTS website.

- **Consideration of Legislation for Recommendation to the 2009 General Assembly & Public Comment**

- **Electronic Insurance Notifications**

JCOTS considered legislation that had been reviewed during the Interim by the Executive Committee concerning electronic insurance notifications. Some representatives of the insurance industry had concerns about cancellations of insurance policies via e-mail. A motion was made to amend the bill to require that the recipient of the email must provide positive acknowledgement of a notice of cancellation, such as through a secure website, but this motion was withdrawn. A

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motion was made and seconded to amend the bill to require that electronic notices of nonrenewal, cancellation, change in rates, or reduction in coverage must also be provided to any agent of record. This amendment was adopted 5-4. JCOTS recommended with a 9-1 vote that the bill, as amended, be recommended to the 2009 Session of the General Assembly.

### ○ **Texting While Driving**

The JCOTS Executive Committee also studied and made recommendations concerning texting while driving. The proposed legislation would prohibit texting while driving, and would make the offense a secondary offense. Members in favor of the legislation noted that the Virginia Tech Transportation Institute had provided empirical data concerning the increased risk of accidents while texting and driving. Members of JCOTS and interested parties raised questions concerning potential exemptions to the bill for taxicab drivers and other "professional" drivers, and other issues. JCOTS voted 8-2 to recommend the bill to the 2009 Session of the General Assembly, with an additional recommendation that the bill be considered by a special transportation subcommittee in order to review the questions and concerns raised at the JCOTS' meeting.

### ○ **Government Data Collection & Dissemination Practices Act**

A JCOTS Subcommittee continued to work with the Freedom of Information Advisory Council during the 2008 Interim concerning protection of social security numbers held by public bodies. The 2008 Session of the General Assembly adopted legislation requiring a comprehensive review of the collection of social security numbers by state and local agencies. That legislation would have prohibited a state or local entity from requesting a person's social security number, beginning July 1, 2009, unless the request was authorized by state or federal law and essential to the performance of that agency's duties. Due to the voluminous nature of the staff review required by the 2008 legislation, and the desirability to avoid unintended consequences when the law becomes effective, it was recommended that the implementation date of the new law be extended to July 1, 2010. JCOTS recommended this change to the 2010 Session of the General Assembly.

### ○ **Rechargeable Batteries**

The JCOTS Electronic Recycling Advisory Committee recommended legislation regarding the recycling of rechargeable batteries. The bill would authorize localities to ban the disposal of rechargeable batteries at waste disposal facilities if the

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locality implemented a recycling program for the batteries. JCOTS recommended the legislation to the 2009 Session of the General Assembly.

- **Open Education Center Pilot Program**

The Open Education Resources Subcommittee presented legislation recommended by the Virginia Open Education Foundation. The Section 1 legislation would establish a pilot program that would create an open education resource center in the Commonwealth. The center would be administered by the State Board for Community Colleges, in consultation with the State Council of Higher Education for Virginia and the Department of Education. Some members said they supported the concept, but were hesitant to make the recommendation to start a new program during tight budget times. A motion was made, and seconded, to amend the bill to allow for funding from sources other than the state, and the amendment was adopted. JCOTS recommended the bill, as amended, to the 2009 Session of the General Assembly.

- **Copyright Updates**

The Open Education Resources Subcommittee also recommended legislation that would amend existing provisions in the Code of Virginia relating to ownership of intellectual property developed by state employees in the course of their employment. These provisions would not apply to state institutions of higher education. Most notably, the legislation would require that the Secretary of Administration develop policies concerning use and ownership of such intellectual property. The bill was recommended to the 2009 Session of the General Assembly with a vote of 8-1.

- **Other Business**

No other business was considered.

- **Adjournment**

The meeting was adjourned.

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