



Joint Commission on Technology and Science
Meeting Summary
May 3, 2011 1:00 p.m.
Senate Room A, General Assembly Building

- **Call to order, roll call.**

The Joint Commission on Technology and Science held its first meeting of the 2011 Interim on May 3 at 1:00 p.m. A quorum was present at the meeting. Delegate May made a motion seconded by Delegate Rust to allow Delegate Purkey to participate in the meeting via teleconference pursuant to the emergency provisions set forth in § 2.2-3708.1. Delegate Purkey had a family medical emergency that prevented him from traveling to Richmond. The motion was unanimously agreed to by the members.

- **2011 Legislative Update**

Staff provided an update on technology & science legislation considered during the 2011 Session of the General Assembly. Of particular interest were the bills recommended by JCOTS. House Bill 2059 (Bell), related to the transmission of obscene text messages, was adopted by the General Assembly. House Bill 2032 (May) and Senate Bill 1251 (Vogel) were passed by indefinitely in the Senate Courts Committee. A detailed summary of all technology- and science-related legislation considered by the General Assembly in 2011 is available on the JCOTS website.

Delegate May noted that he saw several bills discussed during the legislation session that used outdated technology terminology, such as the use of terms like "wiretapping" or "GPS." He said that he would like to encourage all technology-related legislation to use language that describes actions taken, and not specific types of technology. This is the approach developed several years ago when the Computer Crimes Act was adopted. He advised JCOTS members to watch for opportunities to improve the quality of legislation by ensuring that correct technology-related terminology is used.

- **Formation & Adoption of 2011 Workplan**



A proposed work plan for the 2011 Interim was introduced, based on legislation referred to JCOTS for study and other topics of interest identified by members. The following Advisory Committees and Subcommittees were approved:

Intelligent Transportation Advisory Committee -- Continued from 2010

- **Delegate Rust (chair), Delegate Cosgrove, Delegate Purkey, Senator Locke**
- Topics for consideration may include HB 2029 (May) [relating to remote vehicle emissions testing], distracted driving, & other issues suggested by members of JCOTS or the Advisory Committee relating to transportation & technology

Energy Advisory Committee -- Continued from 2010

- **Delegate Cosgrove (chair), Delegate Purkey, Delegate Alexander, Delegate Plum**
- Topics for consideration include updates on research, development, & innovation in renewable energy technologies, HB 2447 (Cosgrove) [relating to incentives for use of renewable energy in state facilities], & other issues suggested by members of JCOTS or the Advisory Committee relating to energy & technology.

Electronic Privacy Advisory Committee -- Continued from 2010

- **Delegate May (chair), Delegate Plum**
- Topics for consideration include continued review of unauthorized use of electronic tracking devices, identification & discussion of the state of privacy generally, & other issues suggested by members of JCOTS or the Advisory Committee relating to electronic privacy.

UCITA Advisory Committee

- **Senator Wampler (chair), Senator Watkins, Delegate Byron**
- Created specifically to study HB 2259 (May), that was referred to JCOTS by the General Assembly for study for study. The bill would amend UCITA with regards to the use of digital identity credentials.
- A solicitation will be issued for applications from citizen members who wish to serve on the advisory committee.

Medical Database Breach Subcommittee

- **Delegate Byron (chair), Senator Howell, Senator Miller**
 - This subcommittee was created to study HB 2315 (Byron), at the request of the patron.
 - The only official members of the subcommittee will be JCOTS members, but all interested persons will be invited to join in the discussion of the issues presented by medical database breach notifications.
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Delegate Purkey asked if staff could send out a questionnaire to technology industries in the Commonwealth asking what technology policies would be helpful to the industries. The JCOTS membership concurred with this request.

- **Electronic Notaries 101**

Chip Dicks, Tim Reiniger, & Rich Hansberger, all with the Digital Services Group of FutureLaw LLC, provided JCOTS with an overview of electronic notaries. They praised Virginia in being the first state that has attempted to step forward and define a "trustmark," the issue that will be studied by the UCITA Advisory Committee during the Interim. A copy of their presentation is available on the JCOTS website.

- **Electronic Meetings Update**

Upon request of the chairman, staff provided an overview of the current laws governing electronic meetings under the Virginia Freedom of Information Act and in other states. While a few states do not allow electronic meeting, most do. It appears that Virginia's law contains more legal requirements for the conduct of electronic meetings than other states, such as the requirement that a quorum be physically assembled in one location. It was noted that while technology has vastly improved and changed since even the last major amendments to electronic meeting laws in Virginia in 2004, the laws themselves are often seen as an obstacle to holding such meetings. Delegate Cosgrove asked if the issue of electronic meetings could be referred to the Electronic Privacy Advisory Committee for a more thorough review, and the JCOTS membership concurred.

- **Adjournment.**

There being no other business, and no one wishing to offer public comment, the meeting was adjourned.
