



Executive Committee Final Report

Introduction

As a new initiative in 2007, the Chairman of JCOTS appointed an Executive Committee. It was expected that the Executive Committee would review certain legislation and issues that were referred to JCOTS that may not be ripe for the formation of an advisory committee, or may be revisiting issues addressed by an advisory committee in past years.

Members:

Delegate Joe T. May, Chair
Senator John C. Watkins, Vice Chair
Delegate John A. Cosgrove
Delegate Samuel A. Nixon, Jr.
Delegate Kenneth C. Alexander
Delegate Kenneth R. Plum

Summary

The Executive Committee met once during the 2007 Interim. The meeting was held at the new VITA Operations Center in Chester, Virginia. Prior to the meeting, members had the opportunity to tour the new facilities.

The Committee began its meeting with an update from the Honorable Aneesh P. Chopra, Secretary of Technology. The Secretary focused on several areas in which the work of JCOTS and the Secretary's office align, such as Health IT, research and development funding, broadband deployment, and education.

The Executive Committee next considered three topics that the Chairman of JCOTS had referred to the group.

Each topic will be briefly outlined below.

I. Cell Phone Spam

The 2007 General Assembly referred House Bill 2973 (Bell) to JCOTS for study. The bill addressed cell phone spam. This is an issue on which JCOTS spent considerable time during the 2006 Interim, but about which it ultimately decided not to address legislation.

A large hurdle to such legislation is that two major federal laws largely preempt state action in this area -- the Telephone Consumer Protection Act, and the Controlling of Non-Solicited Pornography and Marketing Act. These acts do allow for states to pass more stringent laws regarding the use of electronic devices to send unsolicited advertisements. However, as it was not clearly established that this was an area that had become a problem, the 2006 Cell Phone Spam Advisory Committee declined to recommend legislation.

House Bill 2973 is drafted narrowly to fall within the limited regulation authority granted to the states by the two federal acts mentioned above. However, as noted, there has not yet been a substantial documentation of a problem in this area.

Advisory Committee Recommendation: No formal recommendation to proceed with legislation

II. Radio Frequency Identification

The 2007 General Assembly referred House Bill 2086 (Eisenberg) to JCOTS for further study. The bill would require consumers to be notified of the presence of a Radio Frequency Identification (RFID) Tag in consumer goods. This is an issue of first review for JCOTS; however, Delegate May and staff have been active with a national organization studying RFID technologies and related legislation. It was suggested that RFID is an emerging technology with many beneficial uses. Early regulation, not based on documented potential harms and abuses, may stymie an emerging technology.

Advisory Committee Recommendation: No formal recommendation to proceed with legislation

III. UETA Update

The General Assembly adopted the Uniform Electronic Transactions Act (UETA) in 2000, at the recommendation of JCOTS. This Act has subsequently been adopted by most states in the country, and is designed to help facilitate electronic transactions. One such proposal that would put UETA into action is the Electronic Notaries Act, adopted by the 2007 Session of the General Assembly with a delayed enactment clause. The Electronic Notaries Act incorporates much of the language used in UETA, which appears to possibly be becoming outdated in some of its definitions and technical language. Because UETA is a Uniform Law, recommended by the National Conference of Commissioners on Uniform State Laws, members of the Advisory Committee were hesitant to begin amending a uniform law.

Advisory Committee Recommendation: Contact NCCUSL to inquire about a review to UETA to update language.