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Annual Survey of Virginia Law: Technology and the Law

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I. INTRODUCTION

During its 1998 Session, the Virginia General Assembly passed forty-three bills related to technology that were signed into law. Of these, six bills were proposed by the Joint Commission on Technology and Science ("JCOTS"). This article summarizes several enacted bills and provides reference numbers for each bill discussed in the 1998 Acts of Assembly ("1998 Acts"). Given the breadth, depth, and speed of the technological revolution, the purpose of this article is to discuss succinctly the most significant 1998 legislative actions related to technology in areas of substantive law, practice, and procedure.


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II. TRADEMARKS

House Bill 264 provides a state system of trademark registration. The bill replaces the current Virginia laws on trademarks, service marks, and case marks with the revised Model State Trademark Bill. The Model State Trademark, which was revised in 1992 by the International Trademark Association, has been partially or entirely adopted by the following twenty-one states: Alaska, Arizona, Arkansas, Connecticut, Idaho, Illinois, Iowa, Kentucky, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and Wyoming.

House Bill 264 provides: (i) the requirements for determining registrability of trademarks; (ii) the information required on an application for registration; (iii) a provision on the filing of applications; (iv) a provision on how the certificate of registration is issued; (v) information regarding the renewal of the registration of a trademark; (vi) the requirements for assigning a trademark or changing the name of the person for whom the application was filed; (vii) a provision on recordkeeping; and (viii) a provision on canceling a registration. All of

6. The International Trademark Association was formerly known as the United States Trademark Association.
these functions are performed under the supervision and direction of the State Corporation Commission ("SCC").

The bill requires the SCC to establish, by regulation, a classification of goods and services and to provide procedures and remedies for handling fraudulent registration, trademark infringement, and business reputation injury. The bill also retains the Class 2 misdemeanor and Class 6 felony penalties for first and subsequent violations of trademark infringement. The bill prohibits the infringement of trademarks, tradenames, emblems, and other symbols associated with the United States and International Olympic Committees.

III. CIVIL PRACTICE AND PROCEDURE

A. Virginia Tort Claims Act: Year 2000 Remediation Errors

House Bill 277 provides that civil actions may not be brought against the Commonwealth of Virginia based upon

the failure of a computer, software program, database, network, information system, firmware or any other device, whether operated by or on behalf of the Commonwealth of Virginia or one of its agencies, to interpret, produce, calculate, generate, or account for a date which is compatible with the "Year 2000" date change.

The "Year 2000" problem results from using a two-digit year format rather than a four-digit year format. For example, if an information system is not Year 2000 compliant, then when the year 2000 actually arrives, the system may think the current year is the year 0000. In such a system, a seventy-year-old man, who was born in 1930 and who is in need of health care benefits, may be processed as someone who is not yet born.

Another example of the Year 2000 problem may occur when, in the current year, a non-Year 2000 compliant system reads a credit card that expires in the year 2002 as having already expired.\textsuperscript{23}

\textbf{B. Virginia Assistive Technology Device Warranties Act}

House Bill 941\textsuperscript{24} and Senate Bill 402\textsuperscript{25} create a "lemon law" for assistive technology devices.\textsuperscript{26} Assistive technology devices are mechanical devices and instruments used by handicapped individuals to communicate, see, hear, or maneuver. Some examples of assistive technology devices are manual wheelchairs, motorized scooters, hearing aids and communication devices for the deaf, talking software, and Braille printers.\textsuperscript{27}

In addition to any express warranties, the Act will require that manufacturers of assistive technology devices impliedly warrant, for a period of at least one year following delivery to the consumers, that their products are free of any defects substantially impairing their value and that any defects will be repaired at no additional charge.\textsuperscript{28} During this one-year implied warranty period, if the devices are subject to repair for the same or related problem at least three times or if the devices are not practically usable for a cumulative total of thirty days with no comparable loaner available,\textsuperscript{29} the devices must be replaced within thirty days.\textsuperscript{30} If the device is not replaced, the manufacturer must refund the purchaser's full purchase price and reasonable collateral costs within fourteen days.\textsuperscript{31}

\textsuperscript{23} A more complete analysis of the Year 2000 problem was conducted by one of JCOTS' advisory committees. Advisory committees are composed of "persons with expertise in the matters under consideration by the Commission". \textit{Id.} \S 30-88 (Repl. Vol. 1997). For the advisory committee's report, see \textit{REPORT OF THE JOINT COMMISSION ON TECHNOLOGY AND SCIENCE}, H. Doc. No. 89, at 12-17 (1999).


\textsuperscript{26} See \textit{VA. CODE ANN.} \S\S 59.1-470 to -474 (Repl. Vol. 1998).

\textsuperscript{27} See \textit{id.} \S 59.1-470 (Repl. Vol. 1998).

\textsuperscript{28} See \textit{id.} \S 59.1-471(A) (Repl. Vol. 1998).

\textsuperscript{29} See \textit{id.} \S 59.1-470 (Repl. Vol. 1998) (defining "reasonable attempt to repair").


\textsuperscript{31} See \textit{id.} \S 59.1-471(B)(1) (Repl. Vol. 1998).
Furthermore, the manufacturer cannot sell or lease any device previously returned unless the reason for its return is disclosed to prospective customers or lessees.  

Consumers who purchase defective assistive technology devices are not limited to the remedies provided by the bills; they also may seek civil relief. In addition, consumers have the option of submitting disputes arising under this Act to the Dispute Resolution Unit of the Office of Consumer Affairs in the Division of Consumer Protection of the Virginia Department of Agriculture and Consumer Services.

IV. CRIMINAL LAW

A. Computer Trespass

House Bill 275 expands the definition of computer trespass to include removing, halting or otherwise disabling "any computer data, computer programs, or computer software from a computer or computer network." The bill also reduces the penalty for computer trespass from a Class 1 to a Class 3 misdemeanor.

If a person commits a computer trespass recklessly and causes $2500 or more in damages, it is punishable as a Class 1 misdemeanor. If computer trespass is committed maliciously and causes $2500 or more in damage, it is punishable as a Class 6 felony. House Bill 275 was introduced to give "state prosecutors another tool to prosecute computer harms." Thus, House Bill 275 expressly does not "interfere with or prohibit terms or conditions in a contract or license related to comput-

34. See id.
38. See id. § 18.2-152.4(A) (Cum. Supp. 1998).
39. See id.
ers, computer data, computer networks, computer operations, computer programs, computer services, or computer software.\footnote{41}

\textbf{B. Electronic Threats}

House Bill 651\footnote{42} and Senate Bill 426\footnote{43} state that threats of death or bodily injury made by any form of communication, which produce a written message, are punishable as a Class 6 felony.\footnote{44} The former law regarding threats only made writing, composing, or sending “any letter or inscribed communication,” which contains a threat to kill or do bodily injury to a person, a Class 6 felony.\footnote{45} House Bill 651 and Senate Bill 426 broaden the communication covered by the law to include threats made via “electronically transmitted communication producing a visual or electronic message.”\footnote{46}

\textbf{C. Offenses Involving Telecommunication Devices}

Senate Bill 199\footnote{47} makes possession or sale of an unlawful telecommunication device a Class 6 felony.\footnote{48} An unlawful telecommunication device, which includes a tumbler phone or a clone phone, is a telecommunication device that has been “altered, modified, programmed, or reprogrammed” to facilitate “a telecommunication service without the consent of the telecommunication service provider.”\footnote{49} Senate Bill 199 provides that it is a felony to possess an unlawful telecommunication device or any “equipment or materials used to manufacture an unlawful telecommunication device” with the intent to manufac-

\begin{footnotesize}
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  \item[41.] VA. CODE ANN. § 18.2-152.4(B) (Cum. Supp. 1998).
  \item[44.] See VA. CODE ANN. § 18.2-60 (Cum. Supp. 1998).
  \item[45.] Id. § 18.2-60(A) (Repl. Vol. 1996).
  \item[46.] Id. § 18.2-60 (Cum. Supp. 1998).
  \item[48.] See VA. CODE ANN. §§ 18.2-190.1 to -190.4 (Cum. Supp. 1998).
\end{itemize}
\end{footnotesize}
ture such a device. This bill also increases the penalty for possessing or selling unlawful telecommunication devices from a Class 1 misdemeanor to a Class 6 felony.

V. EDUCATION AND WORKFORCE TRAINING

A. Excellence in Public Schools

The 1997 General Assembly requested “the State Council of Higher Education for Virginia to study the demand for computer scientists, engineers, and other technologically skilled workers in Virginia industry.” In reporting a shortage of technology workers in Virginia, the State Council predicted that “Virginia will need at least 22,000 new technology workers each year over the next five-year period.” Accordingly, legislation was enacted to promote technological education in the Commonwealth.

House Bill 431 amends various education statutes to increase excellence in Virginia’s public schools. Among other changes, the General Assembly revised the law governing educational opportunity programs to require the Board of Education to “strive to incorporate technological studies within the teaching of all disciplines.”

50. Id. § 18.2-190.2 (Cum. Supp. 1998).
B. Training and Professional Development of Teachers, Administrators, and Superintendents

House Bill 432\(^\text{57}\) establishes several initiatives supporting professional training and development among public school personnel.\(^\text{58}\) Among other changes, the Board of Education is required to establish guidelines for training programs to support the “Standards of Learning,” including “training in . . . English, mathematics, science, and social studies as well as technological studies designed to assist teachers in public elementary and secondary schools.”\(^\text{59}\)

C. Workforce Training at Community Colleges

House Bill 849\(^\text{60}\) and Senate Bill 384\(^\text{61}\) modify the definition of “comprehensive community college” to include the provision of “[n]oncredit training and retraining courses and programs of varying lengths to meet the needs of [Virginia’s] business[es] and industry[ies].”\(^\text{62}\) The bills designate the Virginia Community College System as the state agency with “primary responsibility for coordinating workforce training at the postsecondary to the associate degree level,” excluding vocational and technical education provided through the public schools.\(^\text{63}\)

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D. Standards of Quality

House Bill 1200\textsuperscript{64} revises Standard 1\textsuperscript{65} of the six Standards of Quality\textsuperscript{66} to direct school divisions to incorporate within their programs of instruction an emphasis on technological proficiency for kindergarten through twelfth grade.\textsuperscript{67} The Constitution of Virginia requires the Board of Education and the General Assembly to set standards of quality for the Commonwealth's school divisions.\textsuperscript{68}

VI. ELECTRONIC FILINGS AND PUBLIC INFORMATION

A. Election Information on the Internet

Beginning with the November 1998 general election, House Bill 580\textsuperscript{69} requires the Virginia State Board of Elections to "furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda issues on the Internet."\textsuperscript{70} The State Board currently provides some election information via the Internet.\textsuperscript{71}

B. Campaign Finance Disclosure Reports

Campaign finance information\textsuperscript{72} is also the subject of Internet access legislation. Beginning January 1, 1999, House Bill 588\textsuperscript{73} requires candidates for governor, lieutenant gover-

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\textsuperscript{68} See VA. CONST. art. VIII, § 2.
\textsuperscript{71} The Uniform Resource Locator ("URL"), also known as the Internet address, for the Virginia State Board of Elections is <http://www.sbe.state.va.us/>.
nor, and attorney general to file information on campaign contributions and expenditures "by computer or electronic means in accordance with the standards approved by the [Virginia State Board of Elections]."\(^7\) Candidates for the General Assembly are not required to file electronically but may do so if they wish.\(^7\) Once the reports are filed, beginning January 1, 2001, the Virginia State Board of Elections must make the campaign finance filings and reports available to the public through the Internet, whether or not they are filed electronically.\(^7\)

C. Persons Entitled to Vote Absentee and Absentee Ballot Applications

Absentee voting\(^7\) is the subject of House Bill 591.\(^7\) House Bill 591 permits a registered voter who cannot go to the polls on election day due to a religious obligation to vote by absentee ballot.\(^7\) The bill also requires the Virginia State Board of Elections to implement a system that enables voters to request and receive absentee ballot applications through the Internet, beginning with the November 1999 election.\(^8\)

D. Commissioners of Revenue and Treasurers

House Bill 790\(^8\) permits commissioners of revenue and treasurers to provide remote access, by means of the Internet, to public, nonconfidential records maintained by their offices.\(^8\)

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75. See id.
76. See id.
1. Electronic Access to Certain Court Records

House Bill 792 permits the circuit court clerk to charge a fee for electronic access to nonconfidential court records. Prior law required the clerks to charge a fee for remote access to such nonconfidential records. House Bill 792 changes “remote access” to “electronic access” and specifies that “electronic access” includes the Internet. If a clerk charges a fee for electronic access, the fee is to be “established by the clerk or by the agency of the county, city or town providing computer support” and is limited to an amount that covers operational costs, such as maintenance, support, and enhancements of the system. If a fee is imposed, it is to be charged to each user and paid into a special local nonreverting fund to be used for operating the system.

2. Cover Sheets on Deeds or Other Instruments

House Bill 793 permits the circuit court clerk of Wise County and the City of Norton to request that a cover sheet be filled out on all real estate documents. This cover sheet provides pertinent information to the clerk for indexing purposes.

3. Electronic Filing System

House Bill 794 permits any circuit court clerk to establish a system for electronic filing of documents. Prior law defined electronic filing as filing of electronic data stored on a physical

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85. See id.
86. Id.
87. See id.
89. See id.
electronic storage device such as “microfilm, magnetic tape, optical disks, or CD ROM.” The bill expands electronic filing to include the transmission of electronic data over the Internet.

If a clerk decides to implement an electronic filing system, he must submit an implementation plan to the Council on Information Management or use a system authorized by the Supreme Court of Virginia. The supreme court may permit electronic filing of any papers in civil or criminal cases. These provisions of the Virginia Code expire July 1, 2004.

4. Task Force on Land Records Management Continued

For the purpose of implementing strategic and tactical plans consistent with the Final Report of the Land Records Management Task Force (the “Task Force”), House Bill 1141 continues operation of the Task Force through June 30, 1999. The 1997 General Assembly created the Task Force to “develop a plan to modernize land records in individual circuit court clerk’s offices and provide remote access to land records throughout the Commonwealth.”

The plan identifies the following four goals: (i) “[u]niform standardized indexing and automation procedures that support statewide electronic remote access to those land record indexes maintained by Clerks of Court”, (ii) “[e]nhanced electronic remote access to land records maintained by Circuit Court

95. See id.
101. LAND RECORDS MANAGEMENT TASK FORCE at 4.
Clerks and the departments of local government”;102 (iii) “[f]orce consensus between the Circuit Court Clerks and the users of their land records information . . . to ensure automation efforts in the Circuit Court Clerk offices are mutually beneficial”,”103 and (iv) “[u]niform content and format of land records that promotes their usefulness in integrated local government information systems, eliminates duplication of information, and promotes data sharing and electronic access.”104 Some circuit courts in Virginia, such as the Wise County Circuit Court, currently allow some title searching over the Internet.105

E. Electronic Filing of Information

Senate Bill 152106 permits state agencies, which are responsible to Virginia’s executive secretariats, to “(i) accept the electronic filing of any information required or permitted to be filed with such agency and (ii) prescribe the methods of executing, recording, reproducing, and certifying” such filing.107 The bill, which excludes the Virginia Public Procurement Act,108 is modeled after a Virginia Code section which authorizes the State Corporation Commission to accept electronic filings under the Virginia Stock Corporation Act.109

102. Id. at 5.
103. Id.
104. Id. at 6.
F. Electronic Signatures

Senate Bill 153\textsuperscript{110} updates existing Virginia law\textsuperscript{111} on electronic signatures.\textsuperscript{112} The bill terminates the authority of the Council on Information Management to promulgate regulations to implement state agencies’ and localities’ use of digital signatures in favor of setting out criteria in the bill.\textsuperscript{113} The bill also changes the term “digital signature” to “electronic signature,” which encompasses signatures created by any electronic method.\textsuperscript{114} Additionally, the bill defines “signing” as affixing “an electronic signature to a record with the present-intention to be bound by such signature.”\textsuperscript{115} Further, the bill sets out the criteria that a trier of fact must assess to determine the evidentiary weight to be given a particular electronic signature.\textsuperscript{116} Finally, the bill requires the state agencies and localities to follow the same criteria that a trier of fact must assess.\textsuperscript{117}


\textsuperscript{114} \textit{See Va. CODE ANN. \$\%s 59.1-467 to -469} (Repl. Vol. 1998).

\textsuperscript{115} \textit{Id. \$ 59.1-468} (Repl. Vol. 1998).

\textsuperscript{116} \textit{Id.} The criteria are whether the electronic signature is:

\begin{itemize}
  \item [(i)] unique to the signer,
  \item [(ii)] capable of verification,
  \item [(iii)] under the signer’s sole control,
  \item [(iv)] linked to the record in such a manner that it can be determined if any data contained in the record was changed subsequent to the electronic signature being affixed to the record, and
  \item [(v)] created by a method appropriately reliable for the purpose for which the electronic signature was used.
\end{itemize}

\textit{Id.}

\textsuperscript{117} \textit{See id. \$ 59.1-469} (Repl. Vol. 1998).
A. Exemption From Retail Sales and Use Tax for Certain Electronic Communication Services

House Bill 278\textsuperscript{118} codifies two recent decisions by the Virginia Tax Commissioner.\textsuperscript{119} The Commissioner ruled that sales of software via the Internet are exempt from retail sales and use tax\textsuperscript{120} and that charges for Internet access services and other electronic communication services also are exempt from retail sales and use tax.\textsuperscript{121} The decisions were based on state tax law and regulations of the Virginia Department of Taxation, which generally provide that charges for services are exempt from the retail sales and use tax unless the services are rendered in connection with the sale of tangible personal property.\textsuperscript{122}

B. License and Franchise Taxes

House Bill 553\textsuperscript{123} revises the definition of gross receipts for purposes of the minimum tax and the special tax by deleting the deduction for the first $500,000 of billing and collecting revenue.\textsuperscript{124} A deduction will be made from the company’s taxable gross receipts for revenues received from the following: (i) unbundled network facilities; (ii) completion, origination, or interconnection of telephone calls with the taxpayer’s network; (iii) transport of phone calls over the taxpayer’s network; and (iv) the taxpayer’s phone services for resale.\textsuperscript{125} The bill clarifies that the State Corporation Commission will eventually

\textsuperscript{121} See Virginia Dept’ Taxation, Pub. Doc. 97-425 (Oct. 21, 1997).
assess voice services such as cellular and broadband. The bill becomes effective for tax years beginning on or after January 1, 1999.

VIII. TELECOMMUNICATION

A. Organization of Local Government

House Bill 335 clarifies Virginia Code section 15.2-1500, which gives localities authority to organize their departments by expanding such authority to offices, boards, commissions, agencies, and their organizational structure. The bill also provides that, notwithstanding any other provision of law, general or special, no locality shall establish any governmental entity which has authority to offer telecommunications equipment, infrastructure or services. Exceptions are provided for certain intragovernmental uses and for the Town of Abingdon, which is described by proximity to Interstate 81. Localities are permitted to sell their existing telecommunications infrastructure and equipment. The bill expires July 1, 2000.

B. Local Planning Commissions

House Bill 568 requires local planning commissions' determinations concerning proposed telecommunications facilities to comply with the requirements of the Federal Telecommunications Act of 1996. The bill further stipulates that a telecommunications facility application shall be deemed approved if a commission fails to act on it within ninety days of its submission, unless the governing body or the applicant has authorized

130. See id.
131. See id.
132. See id.
an extension of time. A governing body may not grant an extension that is longer than sixty days; furthermore, if the commission has not acted on the application by the end of the extension, the application is deemed approved.


House Bill 957 and Senate Bill 577 establish the Public Rights-of-Way Use Fee that is collected from certificated providers of local exchange telecommunications service for the use of public rights-of-way. The fee “replace[s] any and all fees of general application” for the use of public rights-of-way by localities whose public streets and roads are maintained by the Virginia Department of Transportation (“VDOT”).

Localities that maintain their own roads may impose the fee by ordinance. Localities imposing the fee and the Commonwealth Transportation Board will collect, in an equal amount each month, an annual amount calculated by charging an established amount for the number of miles of public highway and the number of feet of new installations in existing public rights-of-way. The fee is determined by dividing the sum of the total amount of highway mileage and new installations by the total number of access lines in participating localities. The bill also establishes a schedule for the reimbursement to telecommunications service providers for expenses related to the relocation of existing facilities when the expense is incurred at the direction of the locality or VDOT. The bill is not applicable to Henrico County.

136. See id.
137. See id.
141. Id. § 56-468.1(B) (Cum. Supp. 1998).
142. See id.
144. See id.
D. Local Governments

House Bill 1079 and Senate Bill 578 permit localities to regulate open video systems to the maximum extent authorized by federal law. In addition, House Bill 1237 provides that local laws relating to buildings, monuments, and lands control the acquisition of telecommunications facilities for the operation of wireless enhanced public safety telephone service systems.

E. Wireless Enhanced Public Safety Telephone Service Act

House Bill 1331 requires Virginia's cellular telephone and personal communication system providers to collect a monthly billing surcharge of seventy-five cents upon each commercial mobile radio service number assigned by a provider to their customers. The surcharges, collected for the purpose of establishing and maintaining a federally mandated emergency 911 (“E-911”) system, are paid into a wireless E-911 fund. The funds are then distributed to counties and municipalities that operate public safety answering points and to service providers to defray capital costs and operating expenses incurred in providing service to wireless E-911 calls. The bill also establishes an advisory board to assist in the administration of the wireless E-911 fund and to oversee the distribution of

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By December 1, 2001, the advisory board must advise the General Assembly on the adequacy of the fund to make qualifying payments. The bill expires July 1, 2002.

F. Placement of Amateur Radio Antennas

Senate Bill 480 requires that local ordinances regarding the placement, screening, or height of antennas reasonably accommodate amateur radio antennas and impose the minimum regulation necessary to accomplish the locality's legitimate purpose. Local ordinances cannot restrict amateur radio antenna height to less than 200 feet above ground level in less densely populated localities, or less than seventy-five feet above ground level, in more densely populated localities, as permitted by the Federal Communications Commission. In addition, local ordinances cannot restrict the number of support structures. Localities may continue to regulate amateur radio antennas with regard to certain screening, setback, placement, and health and safety requirements.

IX. TRANSPORTATION

A. Radar Jamming Devices Prohibited

House Bill 445 prohibits use of devices or mechanisms that "interfere with or diminish the measurement capabilities" of "law enforcement personnel to measure the speed of motor vehicles." Although House Bill 445 prohibits use of these devices, commonly known as radar jammers, use of radar detec-

161. See id.
162. See id.
163. See id.
tors was already illegal prior to the enactment of this bill. On the other hand, House Bill 735 permits Prince William County to use laser speed detecting devices.

B. Photo-Enforcement of Toll Payments Authorized

Senate Bill 588 permits photo-monitoring equipment to be used to enforce payments at toll facilities. Photo-monitoring operates by “(i) photographing the license plates of vehicles that use toll facilities without payment of the toll and (ii) recovering the unpaid toll and/or a penalty from the registered owner of the vehicle.” The registered owner of the vehicle, identified as a violator by the photo-monitoring system, is presumed to have been the driver of the vehicle and is liable for fines. If, however, the registered owner was not the individual who actually drove the vehicle and violated the toll, the owner can have the charges dismissed by submitting an affidavit.

X. VIRGINIA STATE GOVERNMENT

A. Procurement: Year 2000 Remediation

House Bill 276 encourages public bodies to solicit goods and nonprofessional services from responsible bidders or offerors located in Virginia. The bill encourages the use of Virginia-based providers of such goods and services to be used to

166. See id.
173. See id.
remediate computer problems associated with the Year 2000 date change. The bill expires January 1, 2001.

B. Virginia Information Providers Network (VIPNET) Authority

House Bill 632 requires the VIPNET Authority to ensure in its agreements that personal privacy of individuals is protected. To protect an individual’s privacy, the VIPNET Authority is required to prevent the aggregation of information to reveal the identity of individuals, a practice known as “data mining.”

C. Virginia Freedom of Information Act

House Bill 659 and Senate Bill 252 permit UVA’s Board of Visitors to conduct meetings through audio/video communication. To conduct an electronic communication meeting, at least two-thirds of the board’s membership must be physically assembled at its regular meeting place, and the customary requirements of public notice, voting, and recordation of the meetings must be met. Further, “[n]o more than twenty-five percent of all meetings held annually . . . may be held by telephonic or video means.” The bill expires July 1, 2000.

179. See id.
183. See id.
184. Id.
D. Virginia Information Providers Network (VIPNET) Authority

House Bill 703186 requires the VIPNET Authority to establish and maintain an Internet-based resource site187 to assist students and employers in exchanging information about internship and employment opportunities.188

E. Division of Purchases and Supply in the Department of General Services

House Bill 1009189 provides that any government agency or institution purchasing computer equipment shall establish "performance-based specifications for the selection of equipment."190 Performance-based specifications include, but are not limited to, certain vendor and equipment characteristics.191

XI. CONCLUSION

Legislation proposing to revise existing law to keep pace with current and changing technology raises varied and complex issues. Nonetheless, the Virginia General Assembly can be reasonably expected to consider an increasing number of bills related to technology in future legislative sessions. As indicated by the 1998 Session, the General Assembly will give significant attention to public policy and public input before passing such legislation, regardless of who studies an issue or proposes a bill. The legislature's goal for basic law dealing with issues such as technology, computer crimes, electronic transactions, commercial relationships, record creation, and public access is to better serve the people of the Commonwealth through the next century.

187. VIPNET's web site can be found at <http://www.vipnet.org/>.
191. See id.