



Joint Commission on Technology and Science
December 6, 2010 10:00 a.m.
House Room D, General Assembly Building

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

Delegate May called the meeting to order. A quorum was present at the central meeting location, and Senator Wampler participated via telephone.

- **VITA Update & Annual Report.**
 - **Samuel A. Nixon, Jr. Chief Information Officer of the Commonwealth**

The Chief Information Officer of the Commonwealth made his annual report to JCOTS. A copy of his presentation is available on the JCOTS website. During his presentation, the CIO highlighted eight major topics of discussion, including the overall vision and mission of the Virginia Information Technology Agency, a recap of the preceding year's accomplishments and challenges, a snapshot of the Commonwealth's executive branch agency IT environment, an update on transformation, an overview of the operational improvement initiatives currently underway, a look at the rates of service by VITA, opportunities for improvement by agencies seeking to cut costs in IT, and finally an update on the audit currently underway by Agilysys regarding the outage experienced by executive agencies during the past year.

The CIO fielded questions from JCOTS following his presentation:

- The CIO was asked about VITA's contacts with federal agencies regarding the IT systems being utilized throughout the state. The CIO responded that VITA has been in contact with the IRS and the Social Security Administration most recently regarding an audit conducted by the IRS at the Department of Taxation and the Department of Social Services. The IRS audit revealed that agencies which store income tax data may only access such data using state-owned and operated hardware. VITA believes that this audit is mistaken, and is based on an incorrect understanding or interpretation of a directive regarding the use of privately-owned hardware to access state agency-stored information. With the potential impact on Northrop Grumman's role within VITA, the





CIO said that discussions will continue with these federal agencies to resolve the issue.

- The CIO was asked about the cost value of VITA's rates of service. The CIO responded that there is no ready comparison between the Commonwealth and other states because of the varying ways in which other states manage their IT within higher education, but that VITA's costs are where they ought to be vis-à-vis the services VITA provides.

- **2010 Advisory Committee Reports & Legislative Recommendations**

- **Computer Crimes Definitions -- Senator Janet D. Howell**

Senator Howell reported on the bill draft completed by the Computer Crimes Advisory Committee during the Interim. The bill was developed in response to HB 920 (Bell, Robert), a bill introduced in the 2010 Session of the General Assembly and referred to JCOTS for study. HB 920 would have amended the definition of "computer" in the Virginia Computer Crimes Act to include cellular phones and other wireless telecommunications devices. Instead of amending the Computer Crimes Act, the Advisory Committee draft expands the definition of "telephone" within § 18.2-427 to include any electronically transmitted "communication producing a visual or electronic" message, which is transmitted by "cellular" telephone or "other wireless telecommunications device." The intent of the bill is to provide a vehicle for prosecution should a person send an obscene, vulgar, or otherwise objectionable message as outlined in the statute via text message to another person. One Commission member raised a question as to whether the language in the bill was too broad. A copy of the draft is available on the JCOTS website.

A motion was made and seconded to recommend the bill to the General Assembly for passage, and the motion passed with one "no" vote.

- **Electronic Privacy -- Delegate Joe T. May**

Delegate May reported on the bill draft completed by the Electronic Privacy Advisory Committee during the Interim. The bill was developed in response to HB 670 (May) and SB 599 (Vogel), bills introduced during the 2010 Session of the General Assembly and referred to JCOTS for study. The language of the Advisory Committee draft provides for a Class 3 Misdemeanor for the offense of unlawfully installing, through "intentionally deceptive means," an electronic tracking device in or on a vehicle. Staff provided an overview of the various exceptions the advisory committee considered before they settled on the two exceptions written into the bill draft: one for law enforcement officers and



one for parents/legal guardians of minors. Discussion among the Commission members centered on the intent of the person who installs the tracking device, as well as the ability of employers to track employee-operated vehicles that are owned by the employer.

A motion was made and seconded to recommend the bill to the General Assembly for passage, and the motion passed, with one abstention.

○ **Intellectual Property -- Senator John C. Watkins**

Senator Watkins reported on the work of the Intellectual Property Advisory Committee over the course of the preceding year. The Advisory Committee was created to review SB 242 (Watkins), that was referred to JCOTS for study by the 2010 Session of the General Assembly. The Advisory Committee did not recommend any legislation to JCOTS, largely because the Secretary of Administration is still developing guidelines for ownership of intellectual property created by state employees, which are soon to be released. The Advisory Committee did not that some larger conceptual issues concerning the state's intellectual property policies exist, such as identifying the goal of any such policy -- is to protect the state's return on investment, or to encourage entrepreneurship?

Senator Watkins recommended that the Intellectual Property Advisory Committee be continued in the 2011 Interim, so that it may serve as a resource to the Secretary of Administration in developing the statutorily-mandated guidelines, and to provide a forum for discussion of the guidelines once they are released.

○ **Energy -- Delegate John A. Cosgrove**

Delegate Cosgrove reviewed the work of the Energy Advisory Committee and recommended that the committee be continued for the following year to continue looking at the issues of alternative energy sources. Some discussion ensued regarding various alternative fuels, including the potentiality of mining methane gases. No legislation was submitted by the committee for the Commission to consider.

○ **Intelligent Transportation Systems -- Delegate Tom D. Rust**

Delegate Rust reported on the work done by the Transportation Technologies Advisory Committee over the preceding year. The Advisory Committee did not recommend any legislation to JCOTS for consideration, but did recommend that the Advisory Committee be continued in the 2011 Interim. Possible topics for consideration include vehicle miles traveled programs, multi-modal technologies, and other emerging transportation technologies.

- **Update on Remote Emissions Testing Technologies**
 - **Joel Unverzagt, Vice President, Environmental Systems Products**
 - **Drew Rau, Director of Remote Sensing, Director of Remote Sensing**

Representatives of Environmental Systems Products provided JCOTS with an overview of the Remote Sensing Devices that are currently being used in states where automobiles are required to be emissions-tested. The presentation by ESP is available on the JCOTS website.

- **Public comment:** Members of the public are invited to express their views about the Commission and its work.

No public comments were received and the Commission adjourned.

