

# COMMONWEALTH OF VIRGINIA

DELEGATE JOE T. MAY, CHAIR  
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## JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

# 2006 JCOTS WORK PLAN

### A. Background

Delegate Joe T. May, chairman of the Joint Commission on Technology and Science (JCOTS), has identified several issues and topics appropriate for study and consideration by JCOTS during the 2006 Interim. These topics included bills referred to JCOTS by the 2006 Session of the General Assembly, as well as topics suggested or identified by JCOTS members, other members of the General Assembly, and interested parties. Additional topics or studies may be added throughout the year should the need arise.

Many of the topics and issues proposed in this work plan will be conducted through the use of advisory committees and work groups, comprised of JCOTS members and other appointees. Recommendations and findings of these committees or groups will be reported to JCOTS for consideration. Instead of convening four or five larger advisory committees that each are assigned a number of topics for study, 2006 committees and groups will be comprised to focus on a single issue, and will be smaller than in past years in order to encourage and facilitate debate, discussion, and development of legislative or policy recommendations. Some topics may be studied and considered directly by JCOTS at its meetings held throughout the Interim, instead of through referral to a committee or work group.

Topics for study thus far identified include (note -- bill summaries for referred legislation can be found at the end of this document):

- Database breaches (HB 1508, HB 1154)
- Use of Social Security Numbers (HB 1510)
- Motor vehicle keys (HB 160)
- Telecommuting (HB 1240)
- Electronic voting (HB 1243)
- Cell phone spam (HB 1354)
- Spyware (HB 254)
- The state of e-government
- Electronic medical records
- Modeling & simulation
- Nanotechnology
- Traffic management and technology
- Alternative energy sources

## B. Proposed Advisory Committees

### 1. Traffic Management and Technology

Legislative Members: Senator Watkins, Delegate Cosgrove, Delegate Rust  
Primary Staff: Patrick Cushing

### 2. Modeling & Simulation

Legislative Member: Delegate Cosgrove  
Primary Staff: Patrick Cushing

### 3. Nanotechnology

Legislative Members: Delegate Purkey, Delegate Cosgrove, Delegate Plum  
Manufacturing subcommittee: Delegate Purkey  
Research & Development subcommittee: Delegate Plum  
Primary Staff: Patrick Cushing

### 4. Use of Social Security Numbers

Legislative Members: Delegate May, Delegate Alexander, Delegate Plum  
Primary Staff: Lisa Wallmeyer

### 5. Telework & Telecommuting

Legislative Members: Senator Wampler, Delegate Plum  
Primary Staff: Lisa Wallmeyer

### 6. Electronic Medical Records

Legislative Members: Delegate Nixon, Senator Wampler  
Primary Staff: Lisa Wallmeyer

### 7. Cybercrimes

Legislative Members: Senator Stolle, Delegate Cosgrove  
Primary Staff: Patrick Cushing

### 8. State of E-Government

Legislative Members: Delegate Rust, Delegate Nixon  
Primary Staff: Lisa Wallmeyer

## 9. Alternative Energy

Legislative Members: Senator Newman, Delegate May, Senator Watkins  
Primary Staff: Patrick Cushing

## 10. Real ID Act

Legislative Members: Delegate Alexander, Delegate May  
Primary Staff: Lisa Wallmeyer

## 11. Electronic Balloting

Legislative Members: Senator Howell, Delegate May  
Primary Staff: Lisa Wallmeyer

### C. Studies to Monitor

JCOTS staff has identified several other studies to monitor, issues to research, and meetings to attend, and will report back to JCOTS periodically throughout the year. These studies, issues, and meetings include:

- Manufacturing Development Commission
- Study of Science, Math, & Technology Education in the Commonwealth (HJ 25) -- note: Patrick Cushing has been assigned by the Division of Legislative Services as one of two attorneys to staff this study
- Study of Telework (HJ 144) -- note: Lisa Wallmeyer and Patrick Cushing have been assigned by the Division of Legislative Services to staff this study
- Stem cell study
- High cost of highway noise walls (HJ 551) -- note: Patrick Cushing has been assigned by the Division of Legislative Services to assist with this study
- Meetings of the Information Technology Investment Board
- Meetings of the Council on Technology Services
- Meetings of Virginia Research & Technology Advisory Commission
- Economic development issues for the technology sector
- Science and math education development & leadership opportunities for JCOTS

In addition to these particular topics, JCOTS members should feel free to contact either Lisa Wallmeyer or Patrick Cushing throughout the year for research or background development for any science or technology-related issue that may come to a member's attention.

## D. Summaries of Bills Referred to JCOTS for Further Study

### **HB 160 (Purkey)**

**Motor vehicle keys.** Requires, on and after January 1, 2007, that manufacturers of motor vehicles manufactured for the 2007 model year or any subsequent model year provide a means whereby the owners, lessees, and representatives of owners and lessees of such motor vehicles may obtain all information required to permit the reproduction of any key required to operate the owner's or lessee's vehicle. Such information must be accessible 24 hours a day and seven days a week.

### **HB 254 (Cosgrove)**

**Computer trespass; additional provisions; penalty.** Adds three provisions that expand the scope of what would constitute computer trespass: (i) installing computer software on the computer or computer network of another without permission; (ii) using a computer or computer network to monitor or record information without the permission of the owner; and (iii) disabling or disrupting the ability of a computer to share or transmit instructions or computer data to other computers or to any related devices, such as printers, scanners, and fax machines.

### **HB 1154 (Lingamfelter)**

**Database breach notification.** Requires an individual or a commercial entity that conducts business in Virginia and that owns or licenses computerized data that includes personal information to notify a resident of Virginia of any breach of the security of the system immediately following the discovery of a breach in which unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Notification must be made in good faith, in the most expedient time possible, and without unreasonable delay, consistent with the legitimate needs of law enforcement and with any measures necessary to determine the scope of the breach and to restore the reasonable integrity of the computerized data system. The bill also contains alternative notification provisions. For a private civil action to recover damages, the award is triple the amount of actual damages plus reasonable attorney fees. The Office of the Attorney General may also bring an action in law or equity to address violations of this section and other appropriate relief.

### **HB 1240 (Hugo)**

**Secretary of Administration; telecommuting and alternative work schedules for state employees; effectiveness.** Provides that the Secretary of Administration, in cooperation with the Secretary of Technology and in consultation with the Council on Technology Services, shall measure the effectiveness of the comprehensive statewide telecommuting and alternative work schedule policy. The bill provides that the head of each agency shall report annually to the Secretary on the status of any programs or policies developed and implemented pursuant to this

section. Any agency head failing to comply with the requirements of this section shall forfeit 1% of the moneys appropriated for the operation of the agency as provided in the appropriation act. The Secretary shall so notify the Comptroller, who shall take such moneys and deposit them into the Literary Fund. The bill also requires the Department of Human Resource Management to notify state employees by email or other method deemed appropriate by the Department of the statewide telecommuting and alternative work schedule policy.

## **HB 1243 (Hugo)**

**Election procedures; pollbooks, voting equipment requirements and audits, and recount procedures; pilot program.** Requires the State Board of Elections to design a pilot program to test electronic voting equipment and paper record requirements and incorporate audits of voting equipment. This provision takes effect in due course July 1, 2006. The remainder of the bill takes effect January 1, 2009, and requires (i) that electronic pollbooks provide a contemporaneous and continuous paper printout of the voters' names and identifying information as their names are recorded and that the local electoral board conduct a postelection audit of the electronic pollbooks; (ii) that direct recording electronic devices be equipped to produce a paper record of each vote that can be verified by the voter and used in recounts and that audits be conducted of a percentage of the equipment; (iii) that the source codes for software used in voting equipment be placed in escrow with the State Board of Elections prior to certification of the equipment for use in Virginia and that the source codes be examined by technical experts; and (iv) that there be a prohibition on any form of wireless electronic communication capability on any direct recorded electronic voting machine, optical ballot tabulator, or other voting or counting device.

## **HB 1354 (Bell)**

**Unsolicited messages and images sent to wireless devices; penalty.** Prohibits persons or entities from sending unsolicited text or graphic messages to a telephone number assigned to a wireless device of a resident of the Commonwealth. This section would not apply to persons who have a subscription agreement with the resident, provided the resident has the option not to receive further messages. Violations of this section would be a Class 1 misdemeanor.

## **HB 1508 (Plum)**

**Credit reports; security breaches.** Requires consumer reporting agencies to provide individuals with monthly access to their credit reports for a fee of up to \$2 per report, for up to 12 reports per year. Additional reports would be available for a fee of \$8. The measure also requires data collectors that keep personal information on individuals to notify a Virginia resident when there has been a breach of the security of the data. The notice shall include a description of the categories of information that were acquired by an unauthorized person and a toll-free number that the individual may use to learn what types of information were maintained about the individual. An individual receiving such a notice may obtain, at no cost, consumer

credit reports beginning two months following the breach of security and continuing on a quarterly basis for two years thereafter.

### **HB 1510 (Plum)**

**Personal Information Privacy Act; restricted use of social security numbers.** Adds several other restrictions to the use of social security numbers (SSNs), including use of SSNs on the Internet, the sale, trade or other disclosure of SSNs, and the refusal to do business with an individual who refuses to disclose his SSN under certain circumstances.