

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1096 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mike Osburn

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1096

By: Osburn

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to state government; stating legislative intent; providing for application of law; defining term; requiring certain contracts be subject to certain software; providing for requirements of software; requiring storage of certain data collection for time certain; prohibiting charging for access to software; providing for procurement of software from independent entity; providing for codification; providing for noncodification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The Legislature recognizes that an increasing amount of government contracts require the use of computers, a virtual office or online activity. The Legislature further recognizes the difficulty in verifying hours worked on computers for government contracts. Therefore, the Legislature intends to establish a secure and transparent process to verify hours worked on computers for government contracts in order to prevent abuse and overbilling.

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 582 of Title 74, unless there is
3 created a duplication in numbering, reads as follows:

4 A. This section shall apply only to a contract by or on behalf
5 of a state agency for professional or technical services in excess
6 of One Hundred Thousand Dollars (\$100,000.00). For purposes of this
7 section, "state agency" includes any office, officer, bureau, board,
8 counsel, court, commission, institution, unit, division, body or
9 house of the executive or judicial branches of the state government,
10 whether elected or appointed, excluding only political subdivisions
11 of the state, state employees, contractors working on state-owned
12 devices, state agencies contracting with other state agencies and
13 law enforcement.

14 B. A contract subject to this section shall require a
15 contractor to use software to verify that hours billed for work
16 under the contract that are performed on a computer are legitimate.
17 The contract shall specify that the agency will not pay for hours
18 worked on a computer unless those hours are verifiable by the
19 software or by data collected by the software. The software shall
20 do the following:

21 1. Permit the agency or an auditor of the agency to have access
22 to data collected or provided by the software;

23 2. Automatically gather verification data of state-funded
24 activity by tracking only the number of total keystrokes and mouse

1 event frequency and taking a screenshot at least once every three
2 (3) minutes; and

3 3. Protect all data that is private or confidential consistent
4 with state and federal law.

5 C. The data collected by the software shall be considered
6 financial and accounting records belonging to the contractor. The
7 contractor shall store, or contract with another to store, the data
8 collected by the software for a period of seven (7) years and
9 provide the access to the contracting agency or state auditors on
10 their request.

11 D. The contractor shall not charge the agency or an auditor of
12 the agency for access to or use of the work verification software,
13 or for access to or retrievals of data collected by the software.

14 E. Software pursuant to this section shall be procured by the
15 contractor from an independent entity. The independent entity shall
16 not have any access to the screenshots generated under a contract
17 subject to this section.

18 SECTION 3. This act shall become effective November 1, 2019.

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20 57-1-8060 LRB 02/20/19
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