

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1096

By: Osburn

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8 COMMITTEE SUBSTITUTE

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

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

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

29 The Legislature recognizes that an increasing amount of
30 government contracts require the use of computers, a virtual office
31 or online activity. The Legislature further recognizes the
32 difficulty in verifying hours worked on computers for government
33 contracts. Therefore, the Legislature intends to establish a secure

1 and transparent process to verify hours worked on computers for
2 government contracts in order to prevent abuse and overbilling.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 582 of Title 74, unless there is
5 created a duplication in numbering, reads as follows:

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

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

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

1 2. Automatically gather verification data of state-funded
2 activity by tracking only the number of total keystrokes and mouse
3 event frequency and taking a screenshot at least once every three
4 (3) minutes; and

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

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

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

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT EFFICIENCY, dated
23 02/27/2019 - DO PASS, As Amended.
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