

HOUSE BILL No. 1572

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13.1.

Synopsis: Electronic monitoring of government contractors. Establishes requirements for software that records data and hours worked for a contractor that enters into a contract that exceeds \$100,000 for professional or technical services with a state agency. Provides that a contractor must store the data for not less than seven years and that the data must be accessible, on request, to the state agency or state board of accounts. Prohibits a contractor from charging a fee to the state agency or the state board of accounts for access to or the use of either of the following: (1) Software used to verify hours worked. (2) A retrieval of data that is collected by the software.

Effective: July 1, 2019.

Lehman, Clere

January 17, 2019, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1572

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13.1-1-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2019]: **Sec. 1.5. "Contractor" means a person**
4 **or entity that contracts with a state agency to provide professional**
5 **or technical services to the state agency.**

6 SECTION 2. IC 4-13.1-4 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2019]:

9 **Chapter 4. Software Requirements for State Agency**
10 **Contractors**

11 **Sec. 1. This chapter applies to a contractor that enters into a**
12 **contract with a state agency that exceeds one hundred thousand**
13 **dollars (\$100,000).**

14 **Sec. 2. As a condition to a contract with a state agency, a**
15 **contractor must agree to use software that:**

16 **(1) is able to verify that the numbers of hours billed for work**
17 **performed by the contractor conform with the terms of the**



- 1 contract; and
2 (2) meets the requirements described in section 3 of this
3 chapter.
4 A state agency may not pay a contractor for hours worked on a
5 computer unless the hours are verified by the software or data
6 collected by the software.
7 Sec. 3. The office must ensure that the software described in
8 section 2 of this chapter satisfies the following requirements:
9 (1) The software permits the state agency or the state board
10 of accounts, if applicable, access to the data collected or
11 provided by the software.
12 (2) The software automatically gathers data that verifies the
13 hours worked by a contractor, including:
14 (A) the ability to track keystroke frequency;
15 (B) the ability to track mouse event frequency; and
16 (C) the ability to take a screenshot at least once every three
17 (3) minutes.
18 (3) The software permits the state agency or the state board
19 of accounts, if applicable, access to an automated, real time
20 cost status for each task worked on by a contractor.
21 Sec. 4. The data collected by the software for a contractor in
22 accordance with this chapter is considered an accounting record of
23 the contractor.
24 Sec. 5. (a) The data described in section 4 of this chapter must
25 be stored on a record keeping system established by the contractor.
26 However, a contractor satisfies the record keeping requirements of
27 this section if the contractor contracts with another provider to
28 preserve the data collected by the software.
29 (b) The data described in this section must be:
30 (1) stored for not less than seven (7) years; and
31 (2) accessible, on request, to the state agency or the state
32 board of accounts, if applicable.
33 Sec. 6. A contractor may not charge a fee to the state agency or
34 the state board of accounts, if applicable, for access to the
35 following:
36 (1) The software used to verify hours worked.
37 (2) A retrieval of data that is collected by the software.

