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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION   **H. F. No.** **4161**

03/22/2018   Authored by McDonald
         The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1   A bill for an act

1.2   relating to state government; requiring contractors for certain state contracts to
1.3   verify work hours using automated software; amending Minnesota Statutes 2016,
1.4   section 16C.08, by adding a subdivision.

1.5   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6   Section 1. Minnesota Statutes 2016, section 16C.08, is amended by adding a subdivision

1.7   to read:

1.8   Subd. 2a. **Verification of hours worked on computers.** (a) This subdivision applies to

1.9   a contract by or on behalf of the Department of Transportation, the Department of Health,

1.10   the Department of Human Services, the Department of Administration, and the Department

1.11   of Commerce, for professional or technical services in excess of $100,000.

1.12   (b) A contract subject to this subdivision must require a contractor to use software to

1.13   verify that hours billed for work under the contract that are performed on a computer are

1.14   legitimate. The contract must specify that the agency will not pay for hours worked on a

1.15   computer unless those hours are verifiable by the software or by data collected by the

1.16   software. The software must do the following:

1.17   (1) permit the agency or an auditor of the agency to have real-time access to data collected

1.18   and provided by the software;

1.19   (2) automatically gather verification of state-funded activity at least once every three

1.20   minutes, while continuously monitoring keystroke frequency and mouse-event frequency,

1.21   and make keystroke and mouse frequency data visible to the agency or an auditor of the

1.22   agency in real time and on request;

2.1 (3) provide to the agency or an auditor of the agency automated real-time cost status of

2.2 each task;

2.3 (4) provide to the agency or an auditor of the agency the identity and professional

2.4 qualifications of the individual who is performing the task;

2.5 (5) ensure appropriate treatment of data that are not public data, as defined in section

2.6 13.02; and

2.7 (6) permit the agency to provide immediate feedback to the contractor on work in

2.8 progress.

2.9 (c) The contractor must store, or contract with another to store, data collected by the

2.10 software for a period of seven years after the agency has remitted payment to the contractor

2.11 for the work. Data collected are data of the contractor but must be treated as private data

2.12 on individuals or nonpublic data, as defined in section 13.02, except to the extent the data

2.13 would be classified as confidential data on individuals or protected nonpublic data under

2.14 section 13.392. The contractor shall make the data collected by the software accessible to

2.15 auditors of the contractor or of the agency and to a state or federal agency for purposes

2.16 related to tax administration or an audit or civil investigation. The contractor must retrieve

2.17 data on request of the agency, in the format requested by the agency, at any time during the

2.18 seven years as needed to comply with requests under chapter 13, at no charge to the agency.

2.19 (d) The contractor must not charge the agency or an auditor of the agency for access to

2.20 or use of the work verification software, or for access to or retrievals of data collected by

2.21 the software.

2.22 **EFFECTIVE DATE.** This section is effective the day following final enactment for

2.23 contracts for which requests for bids or proposals are issued after enactment. This section

2.24 expires January 1, 2020.