

**HOUSE BILL No. 2115**

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning state contracts; relating to verification of certain  
2 billable hours.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. The legislature hereby recognizes that an increasing  
6 number of state contracts require the use of computers, a virtual office or  
7 online activity. The legislature further recognizes the difficulty in verifying  
8 hours worked on computers in fulfillment of state contracts. Therefore, the  
9 legislature intends to establish a secure and transparent process to verify  
10 such hours to prevent abuse and overbilling.

11 Sec. 2. (a) Each state contract shall require the contractor to use  
12 software to verify that hours billed for work performed on a computer  
13 under such contract are legitimate. Such contract shall specify that the  
14 state agency shall not pay the contractor for any hours of work performed  
15 on a computer unless such hours are verifiable by work verification  
16 software required by this section, or by data collected from such software.

17 (b) No contractor entering into a state contract shall charge the  
18 contracting state agency, the division of post audit or any other auditor of  
19 the contracting state agency for access to, or use of, the work verification  
20 software, or for access to, or retrievals of, data collected from such  
21 software. The work verification software shall be be procured by the  
22 contractor from an entity that is not owned, in whole or in part, or  
23 otherwise affiliated with such contractor.

24 (c) The work verification software shall do the following:

25 (1) Permit the contracting state agency, the division of post audit or  
26 any other auditor of the contracting state agency to have real-time, or  
27 retroactive access to data collected or provided by such software;

28 (2) automatically gather verification data of all work performed by  
29 the contractor on a computer by tracking total keystroke and mouse event  
30 frequency, and by recording an image of the computer screen at least once  
31 every three minutes;

32 (3) provide the contracting state agency, division of post audit or any  
33 other auditor of the contracting state agency automated real-time cost  
34 status of each task performed on a computer in fulfillment of a state  
35 contract;

36 (4) provide the contracting state agency with the professional

1 biographical information of the contractor or any individual employed by  
2 the contractor who is performing work on a computer in fulfillment of a  
3 state contract;

4 (5) protect all personally identifiable data that is required to be kept  
5 confidential under federal or state law; and

6 (6) permit the contracting state agency to use such software to  
7 provide immediate feedback to the contractor on work performed in  
8 fulfillment of a state contract.

9 (d) All data collected by work verification software pursuant to this  
10 section shall be considered accounting records owned, kept and  
11 maintained by the contractor. Each contractor shall store, or contract for  
12 the storage of, all data collected by work verification software pursuant to  
13 this section for a period of seven years from the date the state contract for  
14 which such data was collected is terminated or expires, and shall provide  
15 the contracting state agency, the division of post audit or any other auditor  
16 of such contracting state agency with access to such data upon request.

17 (e) For purposes of this section,

18 (1) "State agency" means any state office or officer, department,  
19 board, commission, institution, bureau or any agency, division or unit  
20 within any office, department, board, commission or other state authority.

21 (2) "State contract" means a written agreement entered into by, or on  
22 behalf of, any state agency for professional or technical services that has  
23 an aggregate cost greater than \$100,000.

24 Sec. 3. This act shall take effect and be in force from and after its  
25 publication in the statute book.