

HOUSE BILL NO. 197

INTRODUCED BY D. ZOLNIKOV

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PUBLIC AGENCY CONTRACTING FOR SERVICES PERFORMED ON A COMPUTER; REQUIRING A CONTRACTOR TO USE SOFTWARE CAPABLE OF DATA COLLECTION TO VERIFY WORK PERFORMED; PROVIDING FOR RETENTION OF AND ACCESS TO THE DATA RECORDS; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Contracted computer services to be verifiable -- software requirements -- records retention and access -- rulemaking. (1) A public agency contract for more than \$100,000 that includes professional or technical services to be performed using a computer and paid by the hour must require the contractor to use software that verifies the hours billed for the work performed on the computer under the contract.

(2) The software required under subsection (1) must:

(a) permit the contracting agency or an auditor of the agency to have real-time or retroactive access to data required pursuant to this section to verify the hours of work performed on the computer under the contract;

(b) automatically track total keystroke and mouse event frequency and take a screenshot at least once every 3 minutes;

(c) allow the agency or an auditor of the agency an automated progressive status of the real-time cost for each task being performed under the contract;

(d) allow the agency to provide immediate feedback to the contractor on the progress of the work being performed on the computer under the contract;

(e) protect personal information, as defined in 2-6-1501, in a manner that substantially complies with 2-6-1502(2); and

(f) be procured by the contractor from an independent entity.

(3) The data collected by the software required under this section must be considered accounting records owned by the contractor. However, the contractor shall retain or provide for the retention of the data for

1 at least 7 years and shall provide the contracting agency or an auditor of the agency access to the data on
2 request and free of charge.

3 (4) The department of administration may adopt rules to implement this section.

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5 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
6 integral part of Title 18, chapter 1, part 1, and the provisions of Title 18, chapter 1, part 1, apply to [section 1].

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8 **NEW SECTION. Section 3. Applicability.** [This act] applies to contracts for services entered into or
9 renewed on or after [the effective date of this act].

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