

INTERIM STUDY PROPOSAL 2019-026

1  
2 State of Arkansas  
3 92nd General Assembly  
4 Regular Session, 2019

**A Bill**

SENATE BILL 281

5  
6 By: Senator M. Pitsch  
7 By: Representative S. Meeks

8 Filed with: Senate Committee on Transportation, Technology, and Legislative Affairs  
9 pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

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11 AN ACT TO AMEND THE ARKANSAS PROCUREMENT LAW; TO  
12 REQUIRE VERIFICATION OF THE HOURS WORKED ON A  
13 COMPUTER IN PERFORMING WORK UNDER CERTAIN CONTRACTS  
14 OF A STATE AGENCY OR A POLITICAL SUBDIVISION; AND FOR  
15 OTHER PURPOSES.

**Subtitle**

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18 TO REQUIRE VERIFICATION OF THE HOURS  
19 WORKED ON A COMPUTER IN PERFORMING WORK  
20 UNDER CERTAIN CONTRACTS OF A STATE AGENCY  
21 OR A POLITICAL SUBDIVISION.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

28 (a) The General Assembly finds that:

29 (1) An increasing amount of public contracts require the use of  
30 a computer, a virtual office, or online activity; and

31 (2) It is difficult to verify the hours worked on a computer as  
32 part of a public contract.

33 (b) The General Assembly intends to establish a secure and transparent  
34 process to verify the hours worked on a computer as part of a public contract  
35 to prevent abuse and overbilling.  
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1 SECTION 2. Arkansas Code Title 19, Chapter 11, Subchapter 2, is  
2 amended to add an additional section to read as follows:

3 19-11-273. Work verification software required.

4 (a) This section applies to a contract awarded by or on behalf of a  
5 state agency or a political subdivision that:

6 (1) Is for services; and

7 (2) Has an annual contract amount of at least one hundred  
8 thousand dollars (\$100,000).

9 (b) A contract subject to this section shall:

10 (1) Require a person to use software to verify the legitimacy of  
11 the hours billed for work performed on a computer under a contract with a  
12 state agency or a political subdivision; and

13 (2) Specify that the state agency or the political subdivision  
14 will not pay for hours worked on a computer unless the hours are verifiable  
15 by the software required under this section or by data collected from the  
16 software required under this section.

17 (c) The software required under this section shall:

18 (1) Allow the state agency or the political subdivision or an  
19 auditor of the state agency or the political subdivision to have real-time  
20 and retroactive access to the data collected by the software;

21 (2) Automatically gather verification data regarding activity  
22 performed under the contract awarded by or on behalf of the state agency or  
23 the political subdivision by:

24 (A) Tracking total keystroke and mouse event frequency;  
25 and

26 (B) Taking a screenshot at least one (1) time every three  
27 (3) minutes;

28 (3) Automatically provide the real-time cost status of each task  
29 to the state agency or the political subdivision or an auditor of the state  
30 agency or the political subdivision;

31 (4) Protect all confidential data concerning individuals that is  
32 protected under state law; and

33 (5) Allow the state agency or the political subdivision to  
34 provide immediate feedback to the person that is performing work under a  
35 contract awarded by or on behalf of a state agency or a political subdivision  
36 regarding any work in progress.

1           (d)(1) Data collected by software required under this section is an  
2 accounting record belonging to the person that is performing work under a  
3 contract awarded by or on behalf of a state agency or a political  
4 subdivision.

5           (2) A person that is performing work under a contract awarded by  
6 or on behalf of a state agency or a political subdivision shall:

7                   (A) Store or contract with another person to store the  
8 data collected by the software required under this section for at least seven  
9 (7) years; and

10                   (B) Provide access to the data to:

11                           (i) The state agency or the political subdivision  
12 for which work is being performed under the contract; and

13                           (ii) An auditor acting on behalf of the state or a  
14 political subdivision.

15           (e) A person that is performing work under a contract awarded by or on  
16 behalf of a state agency or a political subdivision shall not charge a fee to  
17 the state agency or the political subdivision or to an auditor of the state  
18 agency or the political subdivision for:

19                   (1) Access to or use of the software required under this  
20 section; or

21                   (2) Access to or retrieval of data collected by the software  
22 required under this section.

23           (f) The person that is performing work under a contract awarded by or  
24 on behalf of a state agency or a political subdivision shall procure the  
25 software required under this section from an independent third party.

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28 Referred requested by the Arkansas Senate

29 Prepared by: JLL/VJF