

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1309

By: Montgomery

COMMITTEE SUBSTITUTE

An Act relating to information technology; directing the Office of Management and Enterprise Services to develop software or contract with an entity to develop software for certain pilot program; providing requirements for such software; requiring that software be procured from private entity or developed by the Office of Management and Enterprise Services; providing for limit on transfer of data by contractor; providing for certain offense; providing for certain punishment; providing exemptions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34.204 of Title 62, unless there is created a duplication in numbering, reads as follows:

A. The Office of Management and Enterprise Services shall develop software or contract with an entity to develop a pilot program that utilizes data generated by automatic billing verification software to verify hours billed for a project that is more than one (1) year behind schedule, or for which the amount

1 spent on the project is at least One Million Dollars (\$1,000,000.00)
2 more than the original cost estimate for the project.

3 B. Any such automatic billing verification software shall meet
4 all of the following requirements:

5 1. Automatically count and report the number of keystrokes and
6 mouse events, but shall not record the actual keystrokes or mouse
7 events;

8 2. Automatically take a screenshot on a regular basis, but not
9 less than once every six (6) minutes; and

10 3. Meet all state and federal privacy and confidentiality laws
11 and protect all data that is private or confidential on individuals.

12 C. The software shall be procured by the contractor from a
13 private entity or may be developed by the Office of Management and
14 Enterprise Services. The data collected by the automatic billing
15 verification software shall be considered financial records
16 belonging to the contractor, who shall not sell or transfer the data
17 or use it in any other manner than to verify and manage hours worked
18 on a computer and billed to the state. Any person found guilty of
19 selling, transferring or using data for any manner other than to
20 verify and manage hours worked on a computer and billed to the state
21 shall be guilty of a felony, and upon conviction, punishable by
22 imprisonment in the custody of the Department of Corrections for a
23 term for not less than three (3) years nor more than ten (10) years
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1 and shall be fined not less than One Thousand Dollars (\$1,000.00)
2 nor more than One Hundred Thousand Dollars (\$100,000.00).

3 D. The provisions of this section shall not apply to:

4 1. State employees;

5 2. Departments contracting with other departments;

6 3. Law enforcement agencies or contracts with any agency which
7 is the custodian of Criminal Justice Information as defined in
8 Federal Bureau of Investigation Criminal Justice Information
9 Services Security Policy; and

10 4. Any individual who works for a contractor that performs work
11 on a state-owned device.

12 SECTION 2. This act shall become effective November 1, 2020.

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