

SENATE BILL No. 1153

November 8, 2018, Introduced by Senator HILDENBRAND and referred to the Committee on Appropriations.

A bill to amend 1984 PA 431, entitled
"The management and budget act,"
(MCL 18.1101 to 18.1594) by adding section 270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 270. (1) BEGINNING OCTOBER 1, 2018, IF A STATE AGENCY
2 ENTERS INTO A PROCUREMENT CONTRACT UNDER SECTION 240 OR 261 IN AN
3 AMOUNT GREATER THAN \$100,000.00 AND THAT CONTRACT PROVIDES THAT A
4 VENDOR WILL PROVIDE AND BE PAID FOR WORK PERFORMED ON A COMPUTER,
5 THAT CONTRACT MUST PROVIDE THAT THE STATE AGENCY WILL NOT PAY FOR
6 HOURS WORKED ON A COMPUTER UNLESS THOSE HOURS ARE VERIFIABLE BY
7 QUALIFIED SOFTWARE OR BY DATA COLLECTED BY QUALIFIED SOFTWARE.

8 (2) THE VENDOR SHALL STORE, OR CONTRACT WITH ANOTHER TO STORE,
9 DATA COLLECTED BY THE QUALIFIED SOFTWARE FOR A PERIOD OF 7 YEARS
10 AFTER THE STATE AGENCY HAS REMITTED PAYMENT TO THE VENDOR FOR THE

1 WORK. DATA COLLECTED BY THE QUALIFIED SOFTWARE IS NOT GOVERNMENT
2 DATA. THE VENDOR SHALL RETRIEVE DATA ON REQUEST OF THE STATE AGENCY
3 OR AN AUDITOR OF THE STATE, IN THE FORMAT REQUESTED BY THE STATE
4 AGENCY, AT ANY TIME DURING THE 7 YEARS AS NEEDED TO COMPLY WITH
5 REQUESTS FOR DATA AT NO CHARGE TO THE STATE AGENCY.

6 (3) THE VENDOR SHALL NOT CHARGE THE STATE AGENCY OR AN AUDITOR
7 OF THE STATE FOR ACCESS TO OR USE OF THE QUALIFIED SOFTWARE, OR FOR
8 ACCESS TO OR RETRIEVAL OF DATA COLLECTED BY THE QUALIFIED SOFTWARE.

9 (4) AS USED IN THIS SECTION, "QUALIFIED SOFTWARE" MEANS
10 SOFTWARE APPROVED BY THE DEPARTMENT THAT MEETS ALL OF THE
11 FOLLOWING:

12 (A) PERMITS THE STATE AGENCY OR AN AUDITOR OF THE STATE TO
13 HAVE REAL-TIME OR RETROACTIVE ACCESS TO DATA COLLECTED OR PROVIDED
14 BY THE SOFTWARE.

15 (B) AUTOMATICALLY TAKES A SCREENSHOT OF THE STATE-FUNDED
16 ACTIVITY AT LEAST ONCE EVERY 3 MINUTES AND MAKES THE SCREENSHOTS
17 AVAILABLE TO THE STATE AGENCY OR AN AUDITOR OF THE STATE IN REAL
18 TIME.

19 (C) TRACKS TOTAL KEYSTROKE AND MOUSE EVENT FREQUENCY AND MAKES
20 THE KEYSTROKES AND MOUSE EVENT FREQUENCY AVAILABLE TO THE STATE
21 AGENCY OR AN AUDITOR OF THE STATE IN REAL TIME.

22 (D) PROVIDES TO THE STATE AGENCY OR AN AUDITOR OF THE STATE
23 AUTOMATED REAL-TIME COST STATUS OF EACH TASK.

24 (E) PROVIDES TO THE STATE AGENCY PROFESSIONAL BIOGRAPHICAL
25 INFORMATION THAT IS NOT PRIVATE OR CONFIDENTIAL ON INDIVIDUALS
26 PERFORMING STATE-FUNDED WORK.

27 (F) PROTECTS ALL DATA THAT IS PRIVATE OR CONFIDENTIAL ON

1 INDIVIDUALS.

2 (G) PERMITS THE STATE AGENCY TO PROVIDE IMMEDIATE FEEDBACK TO
3 THE VENDOR ON WORK IN PROGRESS.

4 (H) IS PROCURED BY THE VENDOR FROM AN INDEPENDENT ENTITY.