



House of Representatives

General Assembly

File No. 575

January Session, 2015

Substitute House Bill No. 6021

House of Representatives, April 13, 2015

The Committee on Energy and Technology reported through REP. REED of the 102nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TEST BED TECHNOLOGIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-4d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) [If, in the exercise of the Commissioner of Energy and
4 Environmental Protection's powers pursuant to this title, the
5 commissioner finds that the use of a certain technology, product or
6 process would promote energy conservation, energy efficiency or
7 renewable energy technology, the commissioner may direct a state
8 agency to test such technology, product or process by using it in the
9 operations of such agency on a trial basis. The purpose of such test
10 program shall be to validate the effectiveness of such technology,
11 product or process in reducing energy usage and costs or reducing
12 dependence on fossil fuels or green house gas emissions.] For the
13 purposes of this section, "process" means any series of actions or
14 operations that produce or manufacture a product or that lead to a
15 particular result.

16 (b) (1) The Commissioner of Administrative Services shall
17 administer pilot test programs at state agencies for the use of
18 technologies, products or processes that promote energy conservation,
19 energy efficiency or renewable energy. The purpose of such test
20 programs shall be to validate the effectiveness of such technologies,
21 products or processes in reducing energy usage and costs or reducing
22 dependence on fossil fuels or greenhouse gas emissions.

23 (2) The Commissioner of Administrative Services shall direct a state
24 agency to test any technology, product or process identified by the
25 commissioner. Alternatively, the commissioner of a state agency may
26 file a request with the Commissioner of Administrative Services for
27 approval to test any such technology, product or process identified by
28 such state agency commissioner. Not later than thirty days after receipt
29 of any such request, the Commissioner of Administrative Services shall
30 evaluate the technology, product or process and approve or
31 disapprove the state agency commissioner's request. A state agency
32 that is directed to test, or receives approval to test, any such
33 technology, product or process shall use it in the operations of such
34 agency on a trial basis for not fewer than thirty days and not longer
35 than sixty days.

36 (3) If the Commissioner of Administrative Services finds that using
37 such technology, product or process would be feasible in the
38 operations of a state agency and would not have any detrimental effect
39 on such operations, the commissioner, notwithstanding the
40 requirements of chapter 58, shall direct a state agency to accept
41 delivery of such technology, product or process and to undertake such
42 test program. Any costs associated with the acquisition and use of such
43 technology, product or process by the testing agency for the test period
44 shall be borne by the manufacturer, the marketer or any investor or
45 participant in such business. The acquisition of any technology,
46 product or process for purposes of the test program established
47 pursuant to this section shall not be deemed to be a purchase under the
48 provisions of state procurement law. The manufacturer, the marketer
49 or any investor or participant in such business shall maintain records

50 related to such test program, as required by the commissioner. All
51 proprietary information derived from such test program shall be
52 exempt from the provisions of subsection (a) of section 1-210.

53 (4) No agency shall undertake such testing of any technology,
54 product or process unless the business manufacturing or marketing the
55 technology, product or process demonstrates that [(1)] (A) the use of
56 such technology, product or process by the state agency will not
57 adversely affect safety, [(2)] (B) a certified independent third party or
58 accredited laboratory has found that the technology, product or
59 process reduces energy consumption and cost, and [(3)] (C) the
60 technology, product or process is presently available for commercial
61 sale and distribution or has potential for commercialization not later
62 than two years following the completion of any test program by a state
63 agency pursuant to this section.

64 (5) If the commissioner of the state agency testing such technology,
65 product or process determines that the test program sufficiently
66 demonstrates that the technology, product or process reduces energy
67 usage and costs or reduces dependence on fossil fuels or greenhouse
68 gas emissions, such testing agency may request that the Commissioner
69 of Administrative Services (A) procure such technology for use by any
70 or all state agencies, and (B) make such procurement pursuant to
71 subsection (b) of section 4a-58. The Commissioner of Administrative
72 Services shall make information regarding the opportunity to procure
73 such technology, product or process available to all state agencies on
74 the Department of Administrative Services' Internet web site.

75 [(b) If the commissioner finds that using such technology, product
76 or process would be feasible in the operations of a state agency and
77 would not have any detrimental effect on such operations, the
78 commissioner, notwithstanding the requirements of chapter 58, may
79 direct a state agency to accept delivery of such technology, product or
80 process and to undertake such a test program. Any costs associated
81 with the acquisition and use of such technology, product or process by
82 the testing agency for the test period shall be borne by the

83 manufacturer, the marketer or any investor or participant in such
 84 business. The acquisition of any technology, product or process for
 85 purposes of the test program established pursuant to this section shall
 86 not be deemed to be a purchase under the provisions of state
 87 procurement law. The manufacturer, the marketer or any investor or
 88 participant in such business shall maintain records related to such test
 89 program, as required by the commissioner. All proprietary
 90 information derived from such test program shall be exempt from the
 91 provisions of subsection (a) of section 1-210.

92 (c) If the commissioner determines that the test program sufficiently
 93 demonstrates that the technology, product or process reduces energy
 94 usage and costs or reduces dependence on fossil fuels or green house
 95 gas emissions, the testing agency may request that the Commissioner
 96 of Administrative Services (1) procure such technology for use by any
 97 or all state agencies, and (2) make such procurement pursuant to
 98 subsection (b) of section 4a-58.]

99 (c) The commissioner of a state agency may identify a technology,
 100 product or process that is procured, installed and tested by a
 101 municipality that meets the requirements of subsection (b) of this
 102 section. Such commissioner may file a request with the Commissioner
 103 of Administrative Services to procure such technology, product or
 104 process. Not later than thirty days after receipt of such request, the
 105 Commissioner of Administrative Services shall evaluate such
 106 technology, product or process and approve or disapprove such
 107 commissioner's request to (1) procure such technology for use by any
 108 or all state agencies, and (2) make such procurement pursuant to
 109 subsection (b) of section 4a-58.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	16a-4d

Statement of Legislative Commissioners:

Section 1(c) was bracketed, moved to subsection (b), and redesignated as subdivision (3) of subsection (b), Section 1(b)(3) was redesignated as 1(b)(4), Section 1(b)(4) was redesignated as 1(b)(5), and Section 1(d) was redesignated as 1(c), for clarity and consistency with other provisions of the section.

ET *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Dept. of Administrative Services	GF - Cost	150,000	150,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill would transfer responsibility for administering the Test Bed Technologies program from the Department of Energy and Environmental Protection (DEEP) to the Department of Administrative Services (DAS). Currently, DEEP administers the program using existing employees and partnerships with the Connecticut Green Bank and the Connecticut Energy Efficiency Board.

DAS does not employ any experts in the fields of energy conservation, energy efficiency or renewable energy technology. To administer the program, DAS would require \$150,000 annually to contract with outside consultants to evaluate various proposed technologies and products.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Department of Administrative Services

OLR Bill Analysis**sHB 6021*****AN ACT CONCERNING TEST BED TECHNOLOGIES.*****SUMMARY:**

This bill makes changes to the State Agency Energy Efficiency or Renewable Energy Technology Test Program. Under the current program, the Department of Energy and Environmental Protection (DEEP) commissioner may direct state agencies to test technologies, products, or processes (“test subjects”) that he finds would promote energy conservation or efficiency or renewable energy.

The bill:

1. places the program under the Department of Administrative Services (DAS) commissioner, instead of the DEEP commissioner;
2. allows the commissioners of other state agencies to request approval to test technologies in their agencies;
3. requires agencies doing the testing to use test subjects on a trial basis for 30 to 60 days; and
4. requires the DAS commissioner to make information about the opportunity to procure certain test subjects available to state agencies on the DAS website.

The bill also allows state agency commissioners to identify test subjects that (1) promote energy conservation or efficiency or renewable energy and (2) have been tested by municipalities. The commissioners can file a request with the DAS commissioner to procure the test subject. Within 30 days after receiving the request, the DAS commissioner must evaluate the test subject and approve or

disapprove the request to (1) procure the technology for use by any or all state agencies and (2) make the procurement without the competitive bidding or proposal requirements otherwise required by law.

EFFECTIVE DATE: July 1, 2015

PROGRAM REVISIONS

Transfer from DEEP to DAS

The bill transfers administration of the testing program from the DEEP commissioner to the DAS commissioner. It requires the DAS commissioner to administer pilot test programs at state agencies for the use of technologies, products, or processes that promote energy conservation, energy efficiency, or renewable energy. The commissioner must direct a state agency to test any technology, product, or process she identifies. Current law allows, but does not require, the DEEP commissioner to direct state agencies to do such testing for the same reasons. As under existing law, the purpose of the test programs must be to validate the test subjects' effectiveness in reducing energy usage and costs or reducing dependence on fossil fuels or greenhouse gas emissions.

The bill also makes various conforming changes which allow the DAS commissioner, instead of the DEEP commissioner, to: (1) direct an agency to undertake the testing program without going through state purchasing law's requirements and (2) establish certain record keeping requirements.

Similar to current law, if the testing agency's commissioner (instead of the DEEP commissioner) determines that the testing sufficiently demonstrates that the test subject reduces energy use, fossil fuel dependence, or greenhouse gas emissions, he or she can ask the DAS commissioner to waive competitive bidding or negotiation requirements to procure the technology for any or all state agencies. The bill additionally requires the DAS commissioner to make information about the opportunity to procure these test subjects

available to state agencies on the DAS website.

Requests from Other Agencies

The bill allows any state agency commissioner to request DAS commissioner approval to test a test subject that he or she has identified. Within 30 days after receiving the request, the DAS commissioner must evaluate the test subject and approve or disapprove the request.

An agency that the DAS commissioner directs or approves to do testing must use the test subject in its operations on a trial basis for 30 to 60 days.

Existing Law

Under existing law, unchanged by the bill:

1. the business manufacturing or marketing the test subject must demonstrate that (a) the testing will be safe, (b) a certified independent third-party or accredited laboratory has found that the test subject reduces energy consumption and cost, and (c) it is either commercially available or will be within two years after the testing is completed;
2. acquisitions under the testing program are not considered purchases under the state procurement law;
3. the manufacturer or marketer, or an investor or participant in the business, must (a) pay the cost of acquiring and testing the test subject and (b) maintain records as required by the commissioner; and
4. proprietary information derived from the testing is exempt from the Freedom of Information Act.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/24/2015)