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## OLR Bill Analysis

HB 6496 (as amended by House "A")\*

### ***AN ACT CONCERNING TEST BED TECHNOLOGIES.***

#### **SUMMARY**

This bill requires each state agency's commissioner to administer pilot test programs for using technologies, products, or processes (i.e., "test subjects") that promote operational cost reduction. It creates a Test Bed Technologies Advisory Board to recommend test subjects to be used in the operations of state agencies on a trial basis and specifies certain criteria that the test subjects must meet (e.g., the subject's manufacturer or marketer must pay the agency's costs for testing it and show that it will not adversely affect safety). The bill also establishes a process for the state to procure for state agencies test subjects that have been successfully shown to promote operational cost reduction. This process allows certain competitive bid or proposal requirements in existing law to be waived.

\*House Amendment "A" replaces the underlying bill (File 321), which would have (1) transferred administrative responsibility for the State Agency Energy Efficiency or Renewable Energy Technology Test Program from the Department of Energy and Environmental Protection commissioner to the Department of Administrative Services (DAS) commissioner and (2) expanded the program to cover test subjects that would promote cost savings or organizational efficiency for the state government.

EFFECTIVE DATE: July 1, 2023

#### **OPERATIONAL COST REDUCTION PILOT PROGRAMS**

The bill requires each state agency's commissioners to administer pilot test programs at their agencies for using test subjects that promote operational cost reduction. The programs' purposes must be to validate

the test subjects' effectiveness in reducing operational costs.

### ***Applications and Recommendations***

Under the bill, applicants interested in participating in a pilot program must apply to the commissioner of the agency that administers the program. The commissioner must review the application for completeness within 30 days after receiving it. Then, within 90 days after receiving the application, the commissioner must decide whether to request from the Test Bed Technologies Advisory Board (see below) a recommendation to test the application's test subject.

Within 30 days after receiving a commissioner's request for a recommendation, the advisory board must evaluate the applicable test subject and make a recommendation as required by the bill. More specifically, the board must recommend using the test subject in the agency's operation on a trial basis if it finds that using the test subject would (1) promote operational cost reduction, (2) be feasible in a state agency's operations, and (3) not have any detrimental effect on the operations.

***Test Bed Technologies Advisory Board.*** The bill establishes the board as an independent body within the Office of Policy and Management (OPM) for administrative purposes only. The board has four members: one each appointed by the governor, the OPM secretary, the state treasurer, and the state comptroller. All must have experience working in private sector businesses or state agencies. Within available appropriations, it must meet at least twice each year to exercise its powers and duties.

### ***Test Program Implementation***

If the advisory board recommends that a test subject be used in an agency's operations on a trial basis, the bill requires the agency to accept delivery of it and begin the test program, regardless of the laws regulating state purchases. Under the bill, an agency that is directed to test, or receives approval to test a test subject, must use the test subject in the agency's operations on a trial basis for 30 to 60 days.

The bill requires the test subject's manufacturer, marketer, or any investor or participant in its business to pay any costs associated with the agency acquiring and using the test subject for the test period. Under the bill, acquiring the test subject for the test program must not be deemed a purchase under the state procurement law's provisions. The manufacturer, marketer, investor, or participant must maintain records related to the test program as required by the advisory board. All proprietary information derived from the test program is exempt from the state's Freedom of Information Act.

The bill also prohibits any state agency from testing a test subject unless the business that manufactures or markets it shows the following:

1. using it will not adversely affect safety;
2. it is presently available for commercial sale and distribution, or it has potential for commercialization within two years after the test program's completion; and
3. it was not developed by a business that is eligible to participate in a separate state program in existing law, administered by Connecticut Innovations, Incorporated, for testing new or experimental technologies, products, or processes.

### ***Post-Testing Procurement***

Under the bill, if the testing agency's commissioner determines that the test sufficiently shows that the test subject promotes operational cost reduction, then the agency may ask the DAS commissioner to (1) procure the test subject for any or all state agencies to use and (2) make the procurement under the law that allows certain competitive bid or proposal requirements to be waived (subject to approval by the Standardization Committee if the procurement will cost at least \$50,000). If the DAS commissioner grants a request to procure a test subject for an agency, she must make information about the procurement available to all state agencies on the DAS website.

### ***Municipal Test Subjects***

The bill also allows a state agency commissioner to identify a test

subject that promotes operational cost reduction that a municipality has procured, installed, and tested. The commissioner may file with the advisory board a request for a recommendation to test the test subject. Within 30 days after receiving the request, the board must evaluate the test subject and make a recommendation using the same criteria described above. If the board recommends the test subject, the agency must begin a test program under the same implementation and procurement provisions described above.

**COMMITTEE ACTION**

Energy and Technology Committee

Joint Favorable

Yea 20 Nay 0 (03/14/2023)

Government Administration and Elections Committee

Joint Favorable

Yea 18 Nay 0 (04/19/2023)