



House of Representatives

File No. 856

General Assembly

January Session, 2023 **(Reprint of File No. 321)**

House Bill No. 6496
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 2, 2023

AN ACT CONCERNING TEST BED TECHNOLOGIES.

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

1 Section 1. (NEW) (*Effective July 1, 2023*) (a) (1) There is established a
2 test bed technologies advisory board, which shall, within available
3 appropriations, meet not less than twice a year to undertake the
4 advisory board's powers and duties pursuant to this section. The
5 advisory board shall be an independent body within the Office of Policy
6 and Management for administrative purposes only. The advisory board
7 shall consist of the following members, who shall have experience
8 working in private sector businesses or in state agencies: (A) One
9 appointed by the Governor; (B) one appointed by the Secretary of the
10 Office of Policy and Management; (C) one appointed by the Treasurer;
11 and (D) one appointed by the Comptroller.

12 (2) If, in the exercise of the advisory board's powers and duties
13 pursuant to this section, the advisory board finds that (A) the use of a
14 certain technology, product or process would promote operational cost

15 reduction, and (B) the use of such technology, product or process would
16 be feasible in the operations of a state agency and would not have any
17 detrimental effect on such operations, the advisory board shall
18 recommend such technology, product or process to be tested by a state
19 agency by using it in the operations of such agency on a trial basis. The
20 purpose of such test program shall be to validate the effectiveness of
21 such technology, product or process in reducing operational costs.

22 (b) (1) The commissioner of each state agency shall administer pilot
23 test programs at state agencies for the use of technologies, products or
24 processes that promote operational cost reduction. The purpose of such
25 test programs shall be to validate the effectiveness of such technologies,
26 products or processes in reducing operational costs.

27 (2) Applicants interested in participating in such a program shall
28 submit an application to the commissioner of the state agency that
29 administers such program. Such commissioner shall review such
30 application for completeness not later than thirty days after receipt of
31 such application. Not later than ninety days after receipt of such
32 application, such commissioner shall determine whether to file a request
33 to the advisory board for a recommendation to test any such technology,
34 product or process that is the subject of such application.

35 (c) Not later than thirty days after receipt of any request filed by the
36 commissioner of a state agency pursuant to subdivision (2) of subsection
37 (b) of this section, the advisory board shall evaluate any technology,
38 product or process that is the subject of such request and make a
39 recommendation pursuant to subdivision (2) of subsection (a) of this
40 section.

41 (d) If the advisory board recommends a technology, product or
42 process to be tested by a state agency by using it in the operations of
43 such agency on a trial basis, such agency, notwithstanding the
44 requirements of chapter 58 of the general statutes, shall accept delivery
45 of such technology, product or process and undertake such a test
46 program. A state agency that is directed to test, or receives approval to

47 test, any such technology, product or process shall use it in the
48 operations of such agency on a trial basis for not less than thirty days
49 and not more than sixty days.

50 (e) Any costs associated with the acquisition and use of such
51 technology, product or process by the testing agency for the test period
52 shall be borne by the manufacturer, the marketer or any investor or
53 participant in such business. The acquisition of any technology, product
54 or process for purposes of the test program established pursuant to this
55 section shall not be deemed to be a purchase under the provisions of
56 state procurement law. The manufacturer, the marketer or any investor
57 or participant in such business shall maintain records related to such
58 test program, as required by the advisory board. All proprietary
59 information derived from such test program shall be exempt from the
60 provisions of subsection (a) of section 1-210 of the general statutes.

61 (f) No agency shall undertake such testing of any technology, product
62 or process unless the business manufacturing or marketing the
63 technology, product or process demonstrates that (1) the use of such
64 technology, product or process by the state agency will not adversely
65 affect safety, (2) the technology, product or process is presently available
66 for commercial sale and distribution or has potential for
67 commercialization not later than two years following the completion of
68 any test program by a state agency pursuant to this section, and (3) such
69 technology, product or process was not developed by a business that is
70 eligible to participate in the test program established pursuant to section
71 32-39e of the general statutes.

72 (g) If the commissioner of the state agency testing such technology,
73 product or process determines that the test program sufficiently
74 demonstrates that the technology, product or process promotes
75 operational cost reduction, such testing agency may request that the
76 Commissioner of Administrative Services (1) procure such technology
77 for use by any or all state agencies, and (2) make such procurement
78 pursuant to subsection (b) of section 4a-58 of the general statutes. If the
79 Commissioner of Administrative Services grants a request to procure

80 such technology for any state agency, the Commissioner of
 81 Administrative Services shall make information regarding such
 82 procurement available to all state agencies on the Internet web site of
 83 the Department of Administrative Services.

84 (h) The commissioner of a state agency may identify a technology,
 85 product or process that is procured, installed and tested by a
 86 municipality that promotes operational cost reduction. Such
 87 commissioner may file a request to the advisory board for a
 88 recommendation to test such technology, product or process. Not later
 89 than thirty days after receipt of such request, the advisory board shall
 90 evaluate the technology, product or process and make a
 91 recommendation pursuant to subdivision (2) of subsection (a) of this
 92 section. If the advisory board recommends such technology, product or
 93 process, such agency shall undertake a test program in accordance with
 94 the provisions of subsections (d) to (g), inclusive, of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	New section

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: None

Municipal Impact: None

Explanation

The bill creates an advisory board within the Department of Administrative Services to review and obtain potential technology, products, or processes for testing by relevant state agencies to determine their effectiveness and potential to create cost savings to the state. The technology, products, or processes obtained in this manner must be at the expense of the supplier and not the state.

House "A" strikes the underlying bill and its associated fiscal impact resulting in the impact described above.

The Out Years

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

State Impact: None

Municipal Impact: None

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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)