
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2601 Session of
2010

INTRODUCED BY SIPTROTH, GEORGE, SANTARSIERO, BELFANTI, BEYER,
CALTAGIRONE, DONATUCCI, MURT, PAYTON, SANTONI, K. SMITH AND
WAGNER, JUNE 23, 2010

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 23, 2010

AN ACT

1 Providing for the testing of new, environmentally beneficial and
2 energy efficient technologies within various State agencies.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Green
7 Technology Implementation Act.

8 Section 2. Legislative intent.

9 The General Assembly finds as follows:

10 (1) It is the responsibility of the General Assembly to
11 ensure that the resources of this Commonwealth are used in a
12 manner consistent with energy efficiency and environmental
13 stewardship.

14 (2) As technology advances, opportunities arise to test
15 new technologies within this Commonwealth's State agencies in
16 order to increase energy conservation, reduce greenhouse gas
17 emissions and reduce costs.

(3) Through the testing of new, energy efficient technologies, the Department of General Services will gain the ability to identify new ways to reduce costs and improve efficiency, creating an avenue for implementation of all State agencies upon the recommendation of the Secretary of General Services and the testing agency.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of General Services of the Commonwealth.

"Secretary." The Secretary of General Services of the Commonwealth.

"State agency." An executive agency, an independent agency, a State-affiliated entity or a State-related institution as defined by 62 Pa.C.S. § 103 (relating to definitions), including the unified judicial system and its officers and agencies, that for the purposes of this act will be testing a new technology, product or process in order to determine its effectiveness in promoting energy conservation, energy efficiency or renewable energy technology.

Section 4. Authority of secretary.

The following shall apply:

(1) If, in the course of the secretary's official duties, the secretary finds that the use of a certain technology, product or process would promote energy conservation, energy efficiency or renewable energy, the secretary may direct a State agency, with the approval of the Governor, to test the technology, product or process by using

1 it in the agency's operations on a trial basis.

2 (i) The purpose of a test program shall be to
3 validate the effectiveness and feasibility of the
4 technology, product or process in reducing energy usage
5 and costs or reducing dependence on fossil fuels or
6 greenhouse gas emissions. No agency shall undertake
7 testing of any technology, product or process unless the
8 business entity manufacturing or marketing the
9 technology, product or process demonstrates that:

10 (A) use of such technology, product or process
11 by the State agency will not adversely affect safety;

12 (B) sufficient research and development has
13 occurred to warrant participation in the test
14 program; and

15 (C) the technology, product or process has
16 potential for commercialization not later than two
17 years following the completion of the test program by
18 a State agency under this section.

19 (ii) If the secretary finds that using the
20 technology, product or process would be feasible in the
21 operations of a State agency and would not have a
22 detrimental effect on the operations, the secretary, with
23 the approval of the Governor, may direct a State agency
24 to accept delivery of the technology, product or process
25 and to undertake such a test program.

26 (2) The secretary may not direct a State agency to test
27 a technology, product or process unless the business entity
28 or entities benefiting from the field testing pay all of the
29 associated costs.

30 (3) The secretary may not direct a State agency to test

1 a technology, product or process unless the business entity
2 benefiting from the field testing assumes all risks of
3 liability associated with testing the technology, product or
4 process and undertakes the responsibility to indemnify the
5 Commonwealth for all claims, including environmental and tort
6 claims.

7 (4) The secretary may not direct a State agency to test
8 a technology, product or process unless the technology or
9 product being tested has been previously proven as verified
10 by an independent third party to reduce energy consumption
11 and energy costs and to reduce greenhouse gas emissions
12 associated with energy consumption.

13 (i) The department shall maintain a list, in
14 conjunction with the Department of Environmental
15 Protection, of approved independent third party entities
16 who may verify effectiveness of a technology, product or
17 process.

18 (ii) Standards for qualifications of an independent
19 third party entity shall be determined by the department
20 in conjunction with the Department of Environmental
21 Protection.

22 (5) If the secretary determines that the test program
23 sufficiently demonstrates that the technology, product or
24 process reduces energy usage and costs or reduces dependence
25 on fossil fuels or greenhouse gas emissions, the secretary,
26 with the approval of the Governor and the administrative head
27 of the testing agency, may include the technology, product or
28 process on a department Statewide requirements contract or,
29 upon the request of the testing agency or other agency,
30 procure the item in accordance with 62 Pa.C.S. (relating to

procurement). The secretary may encourage implementation in any or all State agencies.

Section 5. State agency responsibilities.

The following shall apply:

(1) The testing agency shall maintain records related to test programs, as required by the secretary and determined by the department.

(2) All proprietary information derived from test programs shall be exempt from the provisions of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(3) The testing of a technology, product or process shall have a demonstration period of no less than 30 and no more than 60 calendar days.

Section 6. Purchasing.

Acquisition of any technology, product or process for purposes of the test program established under this act shall not be deemed to be a purchase under the provisions of State procurement law. Upon implementation of a technology, product or process at a State agency after the testing period has expired, the department may make such purchases for implementation as are authorized under 62 Pa.C.S. (relating to procurement). State agencies whose purchasing is not provided for by the department are authorized to make such purchases as applicable under this act.

Section 7. Business entity clarification.

For purposes of this act, a business entity that allows the testing of its technology, product or process in a State agency shall not be considered a State advisor or State consultant as defined in the act of July 19, 1957 (P.L.1017, No.451), known as

1 the State Adverse Interest Act.

2 Section 8. Effective date.

3 This act shall take effect in 60 days.