



sustainable development testing site permit to be issued by a planning commission; the term is set at five years, subject to renewable for another five-year period. The bill has language authorizing inspectors from the ED or other state agencies to enter a testing site without signing an acknowledgement that the person has read a disclosure statement about the site.

The bill requires the county planning commission to render its decision in writing within two weeks after the hearing. If the planning commission decides to issue a testing site permit it must first determine that the applicant is in receipt of the appropriate permit or approval issued by the SEO and that no state or local agency, evaluating the sustainable development testing site application has determined the site or sustainable development research proposed to be conducted at the site will damage land, water or air adjacent to the site or will permanently damage the area of the site; no existing federal laws, regulations or permits or state environmental laws, regulations or permits will be violated by the proposed sustainable development research at the site; the proposed sustainable development research at the site is beneficial to sustainable development; and the site and proposed sustainable development research are otherwise beneficial to the county and to the state.

### Significant Issues

This bill provides a mechanism by which a residential developer can be permitted to legally test under real-life conditions innovative concepts, ideas and technologies that may conserve finite natural resources and lessen the environmental impact of human habitation and that would be prohibited by existing laws, ordinances or rules. Such state and local laws effectively preclude or discourage such testing. The bill establishes a testing framework and process with appropriate safeguards, external oversight, and other protections, thereby advancing sustainable development in New Mexico.

This bill clarifies the roles and regulatory authorities of the Office of the State Engineer (OSE) and the ED in the permitting of a sustainable development testing site under the ct. For example, any application for such a testing site will forwarded to the OSE for review and comment; and the OSE will be required to determine whether the applicant had received necessary water right permits or other approval. The bill also clarifies that any testing site will be subject to all applicable the ED environmental protection regulations such as those governing air and water quality.

### **ADMINISTRATIVE IMPLICATIONS**

County officials will have to administrate the provisions of this bill as part of ongoing responsibilities.

**DW/lg**