

**DEPARTMENT OF COMMERCE TESTIMONY ON APRIL 2012 RULES OF THE AGRICULTURAL PRODUCTS UTILIZATION
COMMISSION**

MARCH 14, 2012, 2:50 P.M.

ADMINISTRATIVE RULES COMMITTEE

HARVEST ROOM, STATE CAPITOL

REPRESENTATIVE KIM KOPPELMAN, CHAIRMAN

JOHN SCHNEIDER, EXECUTIVE DIRECTOR, AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

Good afternoon, Mr. Chairman and members of the committee, my name is John Schneider and I serve as executive director of the Agricultural Products Utilization Commission for the North Dakota Department of Commerce.

The Department of Commerce has the following responses to the questions identified by the committee:

1. These rules did result in part from changes made by the Legislative Assembly. Upon review of the current rules APUC noticed that the following three grant programs didn't have rules associated with them: Nature-based tourism, Technical assistance for value-added businesses, and Agricultural technologies.
2. These rules are not related to any federal statute or regulation.
3. The Commission complied with requirements of NDCC chapter 28-32. The Notice of Intent to Amend Administrative Rules was published once in each official county newspaper. The ND Department of Commerce approved the rule changes. The Attorney General approved the rules as to their legality.
4. No written or oral concern, objection, or complaint was presented to the agency regarding the rules.
5. The amount of \$1,648.90 was paid to the North Dakota Newspaper Association.
6. The current administrative rules contain: general administration language, categories and general procedures for grant requests, and guidelines specific to four grant programs. The proposed amendments would just contain general administration as well as a categories and general procedures for grant requests section. The reason for the amendment is to simplify and condense the rules and procedures. Also the legislature had added three additional grant programs which were not mentioned in the administrative rules. The purposed amendments make the rules more consistent and allows for the legislature to add/remove grant programs without a rule change.
7. A regulatory analysis was not issued and was not required by NDCC § 28-32-08.
8. A regulatory analysis or economic impact statement of impact on small entities was not issued and was not required by NDCC § 28-32-08.1.
9. The rules do not have a fiscal effect on state revenues or expenditures.
10. A constitutional takings assessment was not prepared and was not required by NDCC § 28-32-09.
11. These rules were not a result under the emergency rule making process.

Mr. Chairman and members of the Administrative Rules Committee, thank you for allowing me the time to visit with you today. That concludes my testimony and I'm happy to entertain any questions.