

## TESTIMONY

**Presented by:** John Schuh  
Legal Counsel  
Public Service Commission

**Before:** Administrative Rules Committee  
Honorable Bill Devlin, Chairman

**RE:** Repeal of N.D. Admin. Code art. 69-07; and amendment of N.D. Admin. Code ch. 69-01-01.

**Date:** September 15, 2020

Mr. Chairman and committee members, my name is John Schuh. I am legal counsel for the North Dakota Public Service Commission. The Commission asked me to testify today concerning the agency's proposed rulemaking.

During the 2019 Regular Session of the 66<sup>th</sup> Legislative Assembly, S.B. 2009 amended and reenacted N.D.C.C. § 49-02-01 and N.D.C.C. tit. 60 to effectively transfer the regulation of grain warehousemen, grain buyers, and hay buyers from the Public Service Commission to the Agricultural Commission. As a result, portions of the administrative code are obsolete and no longer in compliance with current law.

Pursuant to N.D.C.C. § 28-32-18.1, the Commission is requesting the following changes to the administrative rules without the necessity of complying with other N.D.C.C. ch. 28-32 requirement:

- The repeal of N.D. Admin. Code art. 69-07; and
- The proposed amendment N.D. Admin. Code ch. 69-01-01.

In compliance with N.D.C.C. § 28-32-18.1(2)(b), the commission provided notice of the changes to the regulated community, and the time and place the administrative rules committee will consider the request for amendment and repeal. Attached is a list of entities noticed.

Mr. Chairman, this completes my testimony. I would be happy to respond to any questions the committee might have.