



NORTH DAKOTA COUNCIL ON THE ARTS

August 15, 2007

North Dakota Legislative Council
Administrative Rules Committee
State Capitol, 600 E Boulevard
Bismarck, ND 58505

Attention: John Walstad, Code Revisor

Dear Mr. Walstad and Committee Members:

The following are the North Dakota Council on the Arts' responses to the questions asked by your committee:

1. Does the Council on the Arts require exemption from the rulemaking provisions of NDCC Chapter 28-32, the adjudicative proceedings provisions of Chapter 28-32, or both? Please explain.

The Council on the Arts doesn't require exemption, but exemption is appropriate as the Council makes no rules that would effect a general statewide population.

2. Does the Council on the Arts make any rules, for purposes other than internal management, which are of general statewide application and might affect rights or duties of persons outside your agency? Please explain.

The only rules made by the Council are in relation to the grant programs funded and administered by the Council. Certain restrictions and requirements are made of Council grantees, rules that would not affect a general statewide population only those receiving NDCA funding.

3. Does the Council on the Arts hold hearings to act on complaints, applications, or appeals? If so, what rules govern the conduct of the hearing and the rights of the parties?

To my knowledge there has never been a hearing conducted by the Council to act upon a complaint, application or appeal by any member of the public. NDCA grants are determined by an application and panel process that reduces the likelihood of such complaints. There is an appeals process for any grantee that is turned down for funding, but to date there have been no appeals. The process is

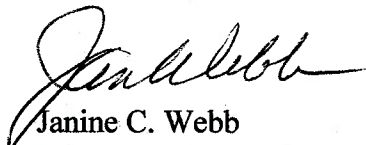
applicable to an applicant to NDCA grant programs, not to the overall general public.

4. Do you believe the exemption for your agency under subsection 2 of NDCC Section 28-32-01 should be continued unchanged, modified, or eliminated?

It is my opinion that the exemption for this agency should be continued unchanged.

Please let me know if I have given sufficient answers to the Committee's questions or if you need further information.

Sincerely,



Janine C. Webb
Executive Director