



North Dakota Indian Affairs Commission

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Governor John Hoeven
CHAIRMAN

Cheryl M. Kulas
EXECUTIVE DIRECTOR

September 5, 2007

John Walstad, Code Revisor
North Dakota Legislative Council
State Capitol, 600 East Boulevard
Bismarck, ND 58505-0360

Dear Mr. Walstad:

This correspondence is in response to the Legislative Council inquiry dated July 31, 2007 regarding the exemption of the North Dakota Indian Affairs Commission under subsection 2 of Section 28-32-01.

1. **Does the Indian Affairs Commission require exemption from the rulemaking provisions of NDCC Chapter 38-32, the adjudicative proceeding provisions of Chapter 28-32, or both?** Under existing North Dakota Century Code, Section 28-32-01, the North Dakota Indian Affairs Commission is not considered an administrative agency for the purposes of the code and is therefore exempted under Chapter 28-32.
2. **Does the Indian Affairs Commission 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?** The North Dakota Indian Affairs Commission does not make any rules for other than purposes of internal management.
3. **Does the Indian Affairs Commission hold hearings to act on complaints, application, or appeals?** The Indian Affairs Commission does not hold hearings on complaints, applications or appeals.
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?** Because of the size, scope of work defined of the agency, and until such time as the work of the agency advances beyond internal management, I believe the exemption of the NDIAC agency should be continued unchanged.

Regards,

Cheryl M. Kulas, Executive Director
North Dakota Indian Affairs Commission