



JOHN HOEVEN, GOVERNOR
STATE OF NORTH DAKOTA

ADMINISTRATIVE COMMITTEE ON VETERANS AFFAIRS

CHAIRMAN
RUDY JENSON
Valley City

SECRETARY
LYLE SCHUCHARD
Bismarck

November 30, 2007

DEC 4 2007

John Walstad
Code Revisor
North Dakota Legislative Council
600 East Boulevard
Bismarck ND 58506

Dear Mr. Walstad,

In response to your letter dated November 8, 2007 regarding the study of agency exemption from the Administrative Agencies Practices Act, I am submitting the following responses:

1. N.D.C.C. 37-14-10 gives the Administrative Committee on Veterans Affairs (ACOVA) authority to make rules for the Veterans Aid Loan Program. The loan is available only to eligible veterans and their widow/ers. ACOVA also manages a Hardship Grant Program that is available to eligible veterans and their spouses. Changes in these rules are made at ACOVA meetings which are open to the public. Meeting notices are filed as required by law and on our agency website. County veterans service officers, who work with the applicants, have been asked for input on proposed changes.
2. ACOVA does not make rules for purposes other than internal management.
3. The Department of Veterans Affairs Subcommittee holds appeal hearings for applicants who disagree with the decision made on their application. The ACOVA has written guidelines in place governing the hearing process. This information is sent to applicants along with the denial letter.

CARL BLOOMQUIST, Devils Lake
WALLY BUCKINGHAM, Fargo
LEE FINSTAD, Grand Forks
MIKE FISHER, Bismarck


JERRY GOLL, Williston
JOHN HANSON, Grand Forks
DAVE HILLEREN, New Town
ORLETTA KILEN, Almont
JERRY MESKE, Bismarck

DEAN OVERBY, Wahpeton
WAYNE PAULSON, Minot
GARY SKARPHOL, Williston
DAVE VANDERGON, Devils Lake

4. We believe that the exemption for our committee under subsection 2 of NDCC 28-32-01 should continue. A process is in place that allows for public comment and the ability of applicants to appeal the decision made on their application. The programs administered are for a small portion of North Dakota's population. They do not fall under any federal guidelines or mandates. To comply with the Administrative Agencies Practices Act would place an undue hardship on the Administrative Committee on Veterans Affairs in managing programs that provide for the State's veterans and their dependents.

Barring any unforeseen circumstances, I plan to attend the meeting on December 13, 2007.

Sincerely,



Rudy Jensen
Chairman

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