

LETTER OPINION
98-L-13

January 22, 1998

Mr. Reagan Pufall
Chief Operating Officer
and General Counsel
Workers Compensation Bureau
500 E Front Ave
Bismarck, ND 58504-5685

Dear Mr. Pufall:

Thank you for your December 30, 1997, letter asking me to reconsider my December 23, 1997, opinion to State Auditor Robert R. Peterson, concerning the requirements that the performance audit mentioned in N.D.C.C. §§ 65-02-29 and 65-02-30 be conducted by a professional accounting firm. In light of your arguments, I have reviewed the opinion, the applicable statutes, and the legislative history behind those statutes. I find no reason to change my December 23, 1997, opinion.

Legislative history may be read to determine the intent of a statute. N.D.C.C. § 1-02-39. The legislative history should be reviewed in its entirety to determine the intent of the Legislative Assembly, and not just the intent of individual committee members or bill sponsors. Little v. Tracy, 497 N.W.2d 700, 705 (N.D. 1993). The legislative history behind 1997 H.B. 1440, S.B. 2017, and S.B. 2074 demonstrates that the Legislature intended to create a performance audit under the auspices of the State Auditor similar to those which may already be required by the State Auditor under N.D.C.C. § 54-10-01(3). Any contrary intention held by the Workers Compensation Bureau was not plainly articulated and would be inconsistent with the Legislature's amendment of the bill to place responsibility for the performance audit with the State Auditor instead of with the Bureau.

Sincerely,

Heidi Heitkamp

ATTORNEY GENERAL

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