



# North Dakota Senate

STATE CAPITOL  
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## Senator Jeffery J. Magrum

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**COMMITTEES:**  
Finance and Taxation  
Energy and Natural Resources

03/01/23

Good afternoon Chairman and committee members, for the record I am Sen. Jeff Magrum Representing District 8. Burleigh and Emmons counties as well as a sliver of southern McLean County.

I introduced SB2208 to provide clarity and a flow of information from our Attorney Generals office. Under current law the AG is required to answer requests for opinion. I have spoken with the AG Wrigley and he agrees that clarity with parameters set would be good. The bill before you has been amended from its original version and passed the Senate 44-0 and I ask for a do pass on 2208.

**CHAPTER 54-12**  
**ATTORNEY GENERAL**

**54-12-01. Attorney general - Duties.**

The attorney general shall:

1. Appear for and represent the state before the supreme court in all cases in which the state is interested as a party.
2. Institute and prosecute all actions and proceedings in favor or for the use of the state which may be necessary in the execution of the duties of any state officer.
3. Appear and defend all actions and proceedings against any state officer in the attorney general's official capacity in any of the courts of this state or of the United States. If both parties to an action are state officers, the attorney general may determine which officer the attorney general will represent and the other officer may employ counsel to represent that other officer.
4. Consult with and advise the several state's attorneys in matters relating to the duties of their office.
5. Attend the trial of any party accused of crime and assist in the prosecution when in the attorney general's judgment the interests of the state require it.
6. Consult with and advise the governor and all other state officers and when requested give written opinions on all legal or constitutional questions relating to the duties of such officers respectively.
7. Prepare, when necessary, proper drafts for contracts and other writings relating to subjects in which the state is interested.
8. Give written opinions, when requested by either branch of the legislative assembly, upon legal questions.
9. Enforce the proper application of funds appropriated to the public institutions of the state and prosecute breaches of trust in the administration of such funds.
10. Prosecute corporations and limited liability companies, when necessary, for failure or refusal to make the reports required by law.
11. Keep in proper books a register of all cases prosecuted or defended by the attorney general or the attorney general's assistants, in behalf of this state or its officers, and of all proceedings had in relation thereto, including a record of all actions wherein the state is a party, or is interested, prosecuted by the state's attorneys of the several counties and reported to the attorney general as provided by law, and deliver the same to the attorney general's successor in office.
12. Keep in the attorney general's office a book in which the attorney general shall record all the official opinions given by the attorney general during the attorney general's term of office, such book to be delivered by the attorney general to the attorney general's successor in office.
13. Pay into the state treasury all moneys received by the attorney general for the use of the state.
14. Serve as superintendent of the bureau of criminal investigation and perform all duties incident to the proper and efficient conduct of that office.
15. Attend to and perform any other duties which from time to time may be required by law.
16. Appoint the state fire marshal and supervise the operation of the state fire marshal department.
17. Give written opinions, when requested by the governing body or city attorney of a city in the state of North Dakota.
18. Repealed by S.L. 1991, ch. 637, § 9.
19. Give written opinions to public entities as defined in subdivision a or b of subsection 13 of section 44-04-17.1, when requested by an interested person under section 44-04-21.1.

agency or institution of the state. Notwithstanding any other law, the state, or any agency or institution of the state, may solicit and accept one or more proposals for a lease transaction, including the arrangement thereof, under this section, and accept any proposal that is determined to be in the public interest. The public finance authority, on behalf of the state, or any agency or institution of the state, may do and perform any acts and things authorized by this section, including making, entering, and enforcing all contracts or agreements necessary, convenient, or desirable for the purposes of this section.

**54-01-28. Northern plains national heritage area - Use of state funds and property prohibited unless approved by legislative assembly.**

State funds may not be expended or transferred from state agencies to match federal moneys for the northern plains national heritage area or any similar or successor designated areas without the approval of the legislative assembly. State lands, water, property, or facilities may not be included in the designated northern plains national heritage area or any similar or successor designated areas without the approval of the legislative assembly. No further lands, water, property, or facilities may be designated as heritage areas within this state without the approval of the legislative assembly.

**54-01-29. Prohibition on the purchase of certain real property and easements with public funds.**

A governmental entity may not provide funds through grant, contract, or other agreement to a nongovernmental entity that is a nonprofit organization for the purpose of holding any interest in real property or an easement for wildlife or conservation purposes. This section does not apply to a governmental entity in a partnership with a nongovernmental entity, if the governmental entity derives a benefit from the partnership. In addition, the recipient of these funds is subject to civil action by any person for the return of any public funds used by the recipient for any of the same purposes.

**54-01-29.1. Federal legislation encouraged to return lands and mineral rights to the state of North Dakota.**

Uplands of the Oahe Reservoir in Emmons and Morton Counties in North Dakota above the elevation of 1,620 feet [493.78 meters] are defined as excess lands to the operation of the Oahe Dam. The North Dakota legislative assembly encourages Congress to pass federal legislation to return those lands and mineral rights to the state of North Dakota and the North Dakota legislative assembly encourages the governor of North Dakota to work with the North Dakota congressional delegation and Congress to secure enactment of necessary federal legislation.

Sixty-eighth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2208

Introduced by

Senators Magrum, Cleary

Representatives Christensen, S. Olson

1 A BILL for an Act to amend and reenact section 54-12-01 of the North Dakota Century Code,  
2 relating to mandating the attorney general to issue opinions requested by individual members of  
3 the legislative assembly.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 54-12-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **54-12-01. Attorney general - Duties.**

8 The attorney general shall:

- 9 1. Appear for and represent the state before the supreme court in all cases in which the  
10 state is interested as a party.
- 11 2. Institute and prosecute all actions and proceedings in favor or for the use of the state  
12 which may be necessary in the execution of the duties of any state officer.
- 13 3. Appear and defend all actions and proceedings against any state officer in the  
14 attorney general's official capacity in any of the courts of this state or of the United  
15 States. If both parties to an action are state officers, the attorney general may  
16 determine which officer the attorney general will represent and the other officer may  
17 employ counsel to represent that other officer.
- 18 4. Consult with and advise the several state's attorneys in matters relating to the duties  
19 of their office.
- 20 5. Attend the trial of any party accused of crime and assist in the prosecution when in the  
21 attorney general's judgment the interests of the state require it.
- 22 6. Consult with and advise the governor and all other state officers and when requested  
23 give written opinions on all legal or constitutional questions relating to the duties of  
24 such officers respectively.

Sixty-eighth  
Legislative Assembly

- 1       14.   Serve as superintendent of the bureau of criminal investigation and perform all duties
- 2           incident to the proper and efficient conduct of that office.
- 3       15.   Attend to and perform any other duties which from time to time may be required by
- 4           law.
- 5       16.   Appoint the state fire marshal and supervise the operation of the state fire marshal
- 6           department.
- 7       17.   Give written opinions, when requested by the governing body or city attorney of a city
- 8           in the state of North Dakota.
- 9       18.   Repealed by S.L. 1991, ch. 637, § 9.
- 10      19.   Give written opinions to public entities as defined in subdivision a or b of subsection 13
- 11           of section 44-04-17.1, when requested by an interested person under section
- 12           44-04-21.1.