



# North Dakota Senate

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Senator Jeffery J. Magrum

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

01/20/2023

Good Morning Madam Chair Roers and committee members.

For the record I am Senator Jeff Magrum representing District 8 which is rural Burleigh County including Lincoln, Wilton, Menoken and Moffit as well as all of Emmons County including Hazelton, Braddock, Kintyre, Temvik, Linton, Strasburg, Hague, Westfield and Hull.

I am sponsoring this bill because at times as a state Legislator we are asked to get an Attorney General opinion about an issue that isn't exactly clear. Emmons County would like to enter into an agreement with the Department

Water Resources to manage federal land in Emmons County but nobody seems to know if it is a possibility.

ustration happens when an AG opinion is requested to clarify the law and an opinion is never given even though the law is clear that the AG should give written opinions to Legislators. I have spoken to the Attorney General and he agreed that we need parameters set and that's what this bill is addressing.

SB2208 sets a time in which we as legislators can expect an opinion. A description of parameters and a requirement for a legislator to get four other legislators to agree.

Madam chair and committee members I respectfully ask for a do pass on SB2208

I will stand for questions.

**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.

# NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL  
600 EAST BOULEVARD  
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## COMMITTEES:

Judiciary  
Government and Veterans Affairs

### Representative Jeffery J. Magrum

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May 24, 2022

Honorable Drew Wrigley  
Attorney General  
State Capitol

Dear Attorney General Wrigley:

North Dakota Century Code Section 61-33-05 authorizes the Department of Water Resources to manage, operate, and supervise all properties transferred to it under Chapter 61-33. The authorization includes the ability to "enter into any agreements regarding the property" and further provides "[t]he department of water resources may enter agreements with the game and fish department or other law enforcement entities to enforce this chapter..."

I am respectfully requesting an Attorney General's opinion as to whether the Department of Water Resources may enter agreements with other entities, such as a county, to enforce Chapter 61-33.

Sincerely,

Representative Jeffery J. Magrum  
District 28

JJM/HD