

ATTORNEY GENERAL.

CHAPTER 21.

[S. F. 22.]

PREScribing DUTIES, OATH AND BOND OF ATTORNEY GENERAL.

AN ACT to Prescribe the Bond, Oath and Duties of the Attorney General.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. COMMISSION—OATH AND BOND.] That before entering upon the duties of his office, the Attorney General shall be commissioned by the Governor, and shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of North Dakota, and that I will faithfully discharge the duties of Attorney General to the best of my ability; and shall execute a bond to the State of North Dakota, with good and sufficient securities, [sureties] in the penal sum of \$5,000, to be approved by the Governor and filed in the office of the Secretary of State; such bond shall be conditioned for the faithful discharge of the duties of said office, and the paying over of all monies coming into his hands as provided by law.

§ 2. ADDITIONAL BOND.] Whenever the Governor shall deem any bond filed by the Attorney General insufficient, the Governor may require another bond to be furnished with sufficient sureties to be approved by him, as specified in Section 1 of this act.

§ 3. FAILURE TO GIVE BOND OR TAKE OATH.] If any person elected to the office of Attorney General shall fail to give bond or take the oath required by law within twenty days after the first Monday in January following his election or if elected to fill a vacancy, within twenty days after he is declared elected, the office shall be deemed vacant; and if being required to give additional bond, as provided in Section 2 of this act, he fails to do so within twenty days after notice of such requirement, his office may, in the discretion of the Governor, be declared vacant and be filled as provided by law.

§ 4. DUTIES OF ATTORNEY GENERAL.] The duties of the Attorney General shall be:

1. To appear for and represent this State before the Supreme Court in all cases in which the State is interested as a party.

2. To institute and prosecute all actions and proceedings in

favor of or for the use of this State, which may be necessary in the execution of the duties of any State officer.

3. To defend all actions and proceedings against any State officer in his official capacity, in any of the courts of this State, or of the United States.

4. To consult with and advise the several State's Attorneys in matters relating to the duties of their office; and when in his judgment the interest of this State require it, he shall attend the trial of any party accused of crime and assist in the prosecution.

5. To consult with and advise the Governor and all other State officers, and give, when requested, written opinions upon all legal or constitutional questions relating to the duties of such officers respectively.

6. To prepare, when necessary, proper drafts for contracts and other writings relating to subjects to which the State is interested.

7. To give written opinions, when requested by either branch of the Legislative Assembly, upon constitutional or legal questions.

8. To enforce the proper application of funds appropriated to the public institutions of this State, prosecute breaches of trust in the administration of such funds, and when necessary prosecute corporations for failure or refusal to make the reports required by law.

9. To keep in proper books, a register of all cases prosecuted or defended by him in behalf of the State or its officers and of all proceedings had in relation thereto, and to deliver the same to his successor in office.

10. To keep in his office a book in which he shall record all the official opinions given by him during his term of office, which book shall be by him delivered to his successor in office.

11. To pay into the State Treasury all moneys received by him for the use of the State.

12. To attend to and perform any other duty which may, from time to time, be required by law.

§ 5. TO MAKE REPORTS.] He shall make an annual report to the Governor, stating the number, character, condition and result of the actions, prosecuted or defended by him in behalf of the State, the cost of prosecuting or defending each action and the amount of fines and penalties collected. He shall also direct attention to any defect in the practical operation of the laws relating to revenue and criminal offenses and suggest such amendments as in his judgment are necessary to subserve the public interest.

§ 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 31, 1890.