

Sixty-seventh  
Legislative Assembly  
of North Dakota

**ENGROSSED SENATE BILL NO. 2068**

Introduced by

Political Subdivisions Committee

(At the request of the Office of Management and Budget)

1 A BILL for an Act to amend and reenact subsection 5 of section 44-11-02 of the North Dakota  
2 Century Code, relating to the obligations to prosecute the removal of an official.

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

4 **SECTION 1. AMENDMENT.** Subsection 5 of section 44-11-02 of the North Dakota Century  
5 Code is amended and reenacted as follows:

- 6 5. Upon receipt of the recommendation of the attorney general, the governor shall  
7 determine whether to proceed with the appointment of a special commissioner. If the  
8 governor decides not to appoint a special commissioner, the governor shall notify the  
9 individuals who filed the petition and summarize the reasons for the decision. If the  
10 governor decides to appoint a special commissioner, the governor shall request that a  
11 prosecutor draft and serve the official complaint against the officer.
- 12 a. When the officer sought to be removed is other than the state's attorney, the  
13 state's attorney ~~or other competent attorney, upon request of the governor, for the~~  
14 county involved or in which the political subdivision or office is located, upon  
15 request of the governor, shall appear and prosecute. Upon approval of the  
16 governor, the state's attorney may contract with a state's attorney from another  
17 county or other competent attorney, or request the attorney general to prosecute  
18 the proceedings.
- 19 b. When the proceedings are brought to remove the state's attorney, the governor  
20 ~~shall request the attorney general or other competent attorney to~~ shall appear on  
21 behalf of the state and prosecute such proceedings. Upon approval of the  
22 governor, the attorney general may contract with a state's attorney or other  
23 competent attorney.