

Introduced by

Political Subdivisions Committee

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

1 A BILL ~~for an Act to create and enact a new subsection to section 44-11-02 of the North Dakota~~  
2 ~~Century Code, relating to payment of fees and costs for removal of an official.~~ for an Act to  
3 amend and reenact subsection 5 of section 44-11-02 of the North Dakota Century Code,  
4 relating to the obligations to prosecute the removal of an official.

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

6 ~~SECTION 1. A new subsection to section 44-11-02 of the North Dakota Century Code is~~  
7 ~~created and enacted as follows:~~

8 ~~All costs, including attorney's fees charged by the prosecuting attorney and fees~~  
9 ~~charged by an appointed special commissioner, resulting from the prosecution of the~~  
10 ~~removal proceedings must be paid by the county, political subdivision, or district in~~  
11 ~~which the individual charged is an officer.~~

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

14 5. Upon receipt of the recommendation of the attorney general, the governor shall  
15 determine whether to proceed with the appointment of a special commissioner. If the  
16 governor decides not to appoint a special commissioner, the governor shall notify the  
17 individuals who filed the petition and summarize the reasons for the decision. If the  
18 governor decides to appoint a special commissioner, the governor shall request that a  
19 prosecutor draft and serve the official complaint against the officer.

20 a. When the officer sought to be removed is other than the state's attorney, the  
21 state's attorney ~~or other competent attorney, upon request of the governor,~~ for the  
22 county involved or in which the political subdivision or office is located, upon  
23 request of the governor, shall appear and prosecute. Upon approval of the

- 1 governor, the state's attorney may contract with a state's attorney from another  
2 county or other competent attorney.
- 3 b. When ~~the~~ proceedings are brought to remove the state's attorney, the ~~governor-~~  
4 ~~shall request the~~ attorney general ~~or other competent attorney to~~ shall appear on  
5 behalf of the state and prosecute such proceedings. Upon approval of the  
6 governor, the attorney general may contract with a state's attorney or other  
7 competent attorney.