§ 71-0505. Suits and prosecution.

1. The commissioner shall have the power to bring actions suits or proceedings as in his judgment may be necessary or proper to perform any of the powers, functions or duties imposed upon him or upon the department or any division thereof by any of the provisions of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article or to prevent the violation by any person, public or private, of any of the provisions thereof; and shall have the power to defend such actions, suits or proceedings as may arise through the performance of any of the powers, duties or functions imposed upon him or upon the department or any division thereof.

2. It shall be the duty of the Attorney General, when requested by the department, to appoint an Assistant Attorney General, and such assistants as may be necessary and assign them to the department. Such Assistant Attorney General and assistants shall receive salaries, to be fixed by the Attorney General within the appropriation therefor. It shall be the duty of such assistant, in the name of the Attorney General, to conduct all prosecutions for penalties imposed by the provisions of this chapter listed in section 71-0501 or under titles 5 through 15 inclusive and title 33 of this article and to bring all actions, suits and proceedings, which the department shall be authorized to institute and maintain, and to defend all actions, suits and proceedings brought against the department, its officers or employees of or on account of any act or any thing done by the said department, its officers or employees when such act or thing was, in the opinion of the Attorney General, done in the discharge of any official duty or in reasonable exercise of authority.

3. No action, suit or proceeding in which the title to lands of the state in forest preserve counties shall be involved shall be withdrawn or discontinued, nor shall judgment therein against the state be entered on consent except on special permission of the court and after application made in open court, on which application all the terms and conditions of the settlement shall be fully stated in writing and the reasons therefor set forth at length.