

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2233

Introduced by

Senators Bekkedahl, Hogue, Larson

Representatives Ista, Klemin, Roers Jones

1 A BILL for an Act to create and enact chapter 27-02.2 of the North Dakota Century Code,
2 relating to attorney recruitment in rural counties and municipalities; to provide for a report to the
3 legislative management; and to provide a continuing appropriation.

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

5 **SECTION 1.** Chapter 27-02.2 of the North Dakota Century Code is created and enacted as
6 follows:

7 **27-02.2-01. Attorney recruitment program - Participation - Assessment.**

- 8 1. The supreme court may establish a program to assist rural counties and municipalities
9 in recruiting attorneys.
- 10 2. A county or municipality interested in participating in the program shall apply to the
11 supreme court. After determining eligibility, the supreme court shall conduct an
12 assessment of the applicant to evaluate the applicant's need for an attorney and the
13 ability of the applicant to sustain and support an attorney.
- 14 3. In making the selection of an eligible applicant, the supreme court shall consider the
15 assessment and:
- 16 a. The demographic of the county or municipality;
17 b. The age and number of the members of the county or local bar association;
18 c. The recommendation of the presiding district court judge;
19 d. The economic development programs within the county or municipality;
20 e. The geographical location of the county or municipality in comparison to other
21 counties or municipalities participating in the program; and
22 f. Any prior participation in the program by the county or municipality.
- 23 4. The supreme court shall maintain a list of counties and municipalities that have been
24 assessed and are selected for participation in the recruitment assistance program.

1 5. The supreme court may revise the assessment of any county or municipality or
2 conduct a new assessment as necessary to reflect a change in conditions.

3 **27-02.2-02. County eligibility.**

4 A county is eligible to participate in the recruitment assistance program if the county:

- 5 1. Has a population of ~~fifteen~~sixteen thousand or fewer;
6 2. Agrees to provide the county's portion of the incentive payment as required under
7 section 27-02.2-06; and
8 3. Is determined to be eligible by the supreme court.

9 **27-02.2-03. Municipality eligibility.**

10 A municipality is eligible to participate in the recruitment if the municipality:

- 11 1. Has a population of five thousand or fewer;
12 2. Agrees to provide the municipality's portion of the incentive payment as required under
13 section 27-02.2-06; and
14 3. Is determined to be eligible by the supreme court.

15 **27-02.2-04. Attorney eligibility.**

16 An attorney licensed to practice in the state who meets all requirements set by the supreme
17 court may participate in the recruitment assistance program. An attorney participating in the
18 program shall practice in a supreme court-selected county or municipality for at least five
19 consecutive years. No more than four attorneys may participate in the program at any given
20 time.

21 **27-02.2-05. Incentive payment to participating attorneys.**

22 An attorney selected by the supreme court to participate in the recruitment assistance
23 program is entitled to receive an incentive payment of forty-five thousand dollars to be paid in
24 five equal annual installments.

25 **27-02.2-06. Agreement for payment of recruitment assistance - Repayment.**

- 26 1. An agreement for the payment of recruitment assistance under this chapter must
27 require the county or municipality served by the attorney to provide thirty-five percent
28 of the total amount of the incentive payment in five equal installments.
29 2. The state bar association of North Dakota, the North Dakota bar foundation, or any
30 other legal association in North Dakota shall pay fifteen percent of the annual
31 installment to the supreme court.

- 1 3. After the county or municipality certifies to the supreme court that the county or
2 municipality has paid the attorney the annual amount and the state bar association of
3 North Dakota, the North Dakota bar foundation, or any other legal association in North
4 Dakota has paid its installment to the supreme court, the supreme court shall pay the
5 attorney the remaining balance of the annual installment.
- 6 4. Subject to appropriation by the legislative assembly, the supreme court shall pay the
7 required amount of funds pursuant to this chapter and the funds received from the
8 state bar association of North Dakota, the North Dakota bar foundation, or any other
9 legal association in North Dakota, as required under this chapter, to an attorney
10 participating in the program.
- 11 5. If an attorney breaches the agreement, the attorney shall repay all funds received
12 under this chapter and under the terms and conditions set by the supreme court.
13 Failure to repay the funds is grounds for discipline by the supreme court.

14 **27-02.2-07. County and municipal funding.**

15 A county or municipality may appropriate funds for the purpose of carrying out this chapter.
16 A county or municipality may enter an agreement with any other county, municipality, school
17 district, or nonprofit entity to assist the county or municipality in carrying out this chapter.

18 **27-02.2-08. Payments.**

- 19 1. Notwithstanding any other provision of law, the supreme court may receive fifteen
20 percent of the total amount of an incentive payment in five equal annual installments
21 from the state bar association of North Dakota, the North Dakota bar foundation, or
22 any other legal association in North Dakota as required under this chapter.
- 23 2. A county or municipality may prepay its portion of the incentive program to the
24 supreme court at any time during the five-year period.

25 **27-02.2-09. Attorney recruitment assistance program fund - Continuing appropriation.**

26 The attorney recruitment assistance program fund is established in the state treasury.
27 Payments collected under section 27-02.2-08 must be deposited in the attorney recruitment
28 assistance program fund. The funds deposited in the attorney recruitment assistance program
29 fund are appropriated to the judicial branch on a continuing basis for the purpose of making
30 attorney payments under the recruitment assistance program.

1 **27-02.2-10. Filing and approval of recruitment assistance agreement.**

2 A recruitment assistance agreement entered under this chapter becomes effective when the
3 agreement is filed with and approved by the supreme court. The agreement must require the
4 attorney to practice law full-time in the eligible county or municipality for at least five consecutive
5 years.

6 **27-02.2-11. Ineligibility for participation in other program.**

7 If an individual has previously participated in an attorney recruitment program under this
8 chapter, or any other state or federal scholarship, loan repayment, or tuition reimbursement
9 program requiring the individual to provide attorney services within an underserved area, the
10 individual may not participate in another attorney recruitment program under this chapter.

11 **27-02.2-12. Rulemaking authority.**

12 The supreme court may adopt rules as necessary to implement this chapter.

13 **27-02.2-13. Annual report.**

14 Before July first of each year, the supreme court shall submit a report on the status of the
15 program to the legislative management.