

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; ~~and~~ to provide for a report to
3 the 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, ~~or a committee designated by the supreme court,~~ may establish a
9 program to assist rural counties and municipalities 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, ~~or the committee~~
12 ~~designated by the supreme court,~~ shall conduct an assessment of the applicant to
13 evaluate the applicant's need for an attorney and the ability of the applicant to sustain
14 and support an attorney.
- 15 3. In making the selection of an eligible applicant, the supreme court, ~~or the committee~~
16 ~~designated by the supreme court,~~ shall consider the assessment and:
- 17 a. The demographic of the county or municipality;
- 18 b. The age and number of the members of the county or local bar association;
- 19 c. The recommendation of the presiding district court judge;
- 20 d. The economic development programs within the county or municipality;
- 21 e. The geographical location of the county or municipality in comparison to other
22 counties or municipalities participating in the program; and
- 23 f. Any prior participation in the program by the county or municipality.

1 4. The supreme court, ~~or the committee designated by the supreme court,~~ shall maintain
2 a list of counties and municipalities that have been assessed and are selected for
3 participation in the recruitment assistance program.

4 5. The supreme court, ~~or the committee designated by the supreme court,~~ may revise the
5 assessment of any county or municipality or conduct a new assessment as necessary
6 to reflect a change in conditions.

7 **27-02.2-02. County eligibility.**

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

9 1. Has a population of fifteen thousand or fewer;

10 2. Agrees to provide the county's portion of the incentive payment as required under
11 section 27-02.2-06; and

12 3. Is determined to be eligible by the supreme court, ~~or the committee designated by the~~
13 supreme court.

14 **27-02.2-03. Municipality eligibility.**

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

16 1. Has a population of five thousand or fewer;

17 2. Agrees to provide the municipality's portion of the incentive payment as required under
18 section 27-02.2-06; and

19 3. Is determined to be eligible by the supreme court, ~~or the committee designated by the~~
20 supreme court.

21 **27-02.2-04. Attorney eligibility.**

22 An attorney licensed to practice in the state who meets all requirements set by the supreme
23 court, ~~or the committee designated by the supreme court,~~ may participate in the recruitment
24 assistance program. An attorney participating in the program shall practice in a supreme court-
25 selected county or municipality for at least five consecutive years. No more than four attorneys
26 may participate in the program at any given time.

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

28 An attorney selected by the supreme court, ~~or the committee designated by the supreme~~
29 court, to participate in the recruitment assistance program is entitled to receive an incentive
30 payment of forty-five thousand dollars to be paid in five equal annual installments, ~~each in an~~
31 amount equal to ninety percent of the university of North Dakota school of law resident tuition

1 ~~and fees. The tuition rate at the time an attorney completes an initial agreement under this~~
2 ~~chapter is the tuition rate used to calculate the annual installments for the five-year period.~~

3 **27-02.2-06. Agreement for payment of recruitment assistance - Repayment.**

- 4 1. An agreement for the payment of recruitment assistance under this chapter must
5 require the county or municipality served by the attorney to provide thirty-five percent
6 of the total amount of the incentive payment in five equal installments.
- 7 2. The state bar association of North Dakota, the North Dakota bar foundation, or any
8 other legal association in North Dakota shall pay fifteen percent of the annual
9 installment to the supreme court.
- 10 3. After the county or municipality certifies to the supreme court,~~or the committee~~
11 ~~designated by the supreme court,~~ that the county or municipality has paid the attorney
12 the annual amount and the state bar association of North Dakota, the North Dakota
13 bar foundation, or any other legal association in North Dakota has paid its installment
14 to the supreme court, the supreme court,~~or the committee designated by the supreme~~
15 ~~court,~~ shall pay the attorney the remaining balance of the annual installment.
- 16 4. Subject to appropriation by the legislative assembly, the supreme court,~~or the~~
17 ~~committee designated by the supreme court,~~ shall pay the required amount of funds
18 pursuant to this chapter and the funds received from the state bar association of North
19 Dakota, the North Dakota bar foundation, or any other legal association in North
20 Dakota, as required under this chapter, to an attorney participating in the program.
- 21 5. If an attorney breaches the agreement, the attorney shall repay all funds received
22 under this chapter and under the terms and conditions set by the supreme court.
23 Failure to repay the funds is grounds for discipline by the supreme court.

24 **27-02.2-07. County and municipal funding.**

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

28 **27-02.2-08. Payments.**

- 29 1. Notwithstanding any other provision of law, the supreme court,~~or the committee~~
30 ~~designated by the supreme court,~~ may receive fifteen percent of the total amount of an
31 incentive payment in five equal annual installments from the state bar association of

1 North Dakota, the North Dakota bar foundation, or any other legal association in North
2 Dakota as required under this chapter.

3 2. A county or municipality may prepay its portion of the incentive program to the
4 supreme court, ~~or the committee designated by the supreme court,~~ at any time during
5 the five-year period.

6 **27-02.2-09. ~~Recruitment~~Attorney recruitment assistance program fund - Continuing**
7 **appropriation.**

8 ~~— The supreme court, or the committee designated by the supreme court, shall create and~~
9 ~~administer a recruitment assistance program fund that consists of all moneys deposited in the~~
10 ~~fund as provided under section 27-02.2-08. Pursuant to legislative appropriations, the supreme~~
11 ~~court, or the committee designated by the supreme court, shall use moneys in the fund for~~
12 ~~attorney payments under the recruitment assistance program. The attorney recruitment~~
13 assistance program fund is established in the state treasury. Payments collected under section
14 27-02.2-08 must be deposited in the attorney recruitment assistance program fund. The funds
15 deposited in the attorney recruitment assistance program fund are appropriated to the judicial
16 branch on a continuing basis for the purpose of making attorney payments under the
17 recruitment assistance program.

18 **27-02.2-10. Filing and approval of recruitment assistance agreement.**

19 A recruitment assistance agreement entered under this chapter becomes effective when the
20 agreement is filed with and approved by the supreme court, ~~or the committee designated by the~~
21 ~~supreme court.~~ The agreement must require the attorney to practice law full-time in the eligible
22 county or municipality for at least five consecutive years.

23 **27-02.2-11. Ineligibility for participation in other program.**

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

28 **27-02.2-12. Rulemaking authority.**

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

- 1 **27-02.2-13. Annual report.**
- 2 Before July first of each year, the supreme court shall submit a report on the status of the
- 3 program to the legislative management.