

**Senate Bill 2233**  
**Senate Judiciary Committee**  
**Testimony Presented by Sara Behrens**  
**January 26, 2021**

Good morning Chair Larson, members of the committee. My name is Sara Behrens and I am a staff attorney with the State Court Administrator's Office. I am here today appearing in a neutral position on Senate Bill No. 2233. Although this particular program would be outside of the core function of the court system, the Supreme Court is willing to administer the proposed program, with some amendments, because it would meet an important need for citizens of North Dakota. There are three areas of the bill we would like to see amended.

**Section 27-02.2-05**

The first area we hope will be amended is section 27-02.2-05, Incentive payment to participating attorneys. On page 2, lines 29-31, the bill provides that an attorney selected to participate would receive "an incentive payment in five equal annual installments, each in an amount equal to ninety percent of the university of North Dakota school of law resident tuition and fees." This language is ambiguous in its intent. It does not clarify whether the payments would each be 90% of the annual tuition and fees, a semester, or the three-years it generally takes to complete law school. We would suggest a flat dollar amount to remove any ambiguity and make it easier for all entities involved to plan and budget for the program. We do not, however, suggest any specific dollar amount.

**Committee References**

The second area we would like to see amended is the reference to "a committee designated by the supreme court." We believe this phrase should be struck throughout the bill. The supreme

court appoints advisory committees but those committees do not make the ultimate decisions, but rather, provide recommendations to the Supreme Court. The Supreme Court then makes the ultimate decision such as a rule change. Considering there will be only four individuals enrolled in the program at any given time, there would be no reason for the Court to delegate its authority to administer the program.

### **Continuing Appropriation**

Finally, a continuing appropriation clause is needed in order to treat the Recruitment Assistance Program Fund as a revolving account that can accept funds and from which the Supreme Court can draw down as needed. Under the language of the bill, the funds that get collected from the State Bar Association and subdivisions will amount to only half of the assistance amount and it appears the remainder will come from the Court's general appropriation. We suggest replacing the language in section 27-02.2-09 found on page 4, lines 6-11 with:

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

Additionally, the payment from the Supreme Court would need to be subject to the legislative appropriation under section 27-02.2-06.