

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2211

Introduced by

Senators Bekkedahl, Larson, Hogue

Representatives Ista, Schneider, Klemin

1 A BILL for an Act to amend and reenact sections 27-02.2-01, 27-02.2-02, 27-02.2-03,
2 27-02.2-04, 27-02.2-05, 27-02.2-06, 27-02.2-09, 27-02.2-10, and 27-02.2-11 of the North
3 Dakota Century Code, relating to the attorney recruitment and retention program.

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

5 **SECTION 1. AMENDMENT.** Section 27-02.2-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

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

- 8 1. The supreme court may establish a program to assist rural counties and municipalities
9 in recruiting and retaining 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.

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

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

6 **SECTION 2. AMENDMENT.** Section 27-02.2-02 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **27-02.2-02. County eligibility.**

9 A county is eligible to participate in the recruitment and retention assistance program if the
10 county:

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

16 **SECTION 3. AMENDMENT.** Section 27-02.2-03 of the North Dakota Century Code is
17 amended and reenacted as follows:

18 **27-02.2-03. Municipality eligibility.**

19 A municipality is eligible to participate in the recruitment and retention assistance program if
20 the municipality:

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

25 **SECTION 4. AMENDMENT.** Section 27-02.2-04 of the North Dakota Century Code is
26 amended and reenacted as follows:

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

28 An attorney licensed to practice in the state who meets all requirements set by the supreme
29 court may participate in the recruitment and retention assistance program. An attorney
30 participating in the program shall practice in a supreme court-selected county or municipality for

1 at least five consecutive years. No more than eight attorneys may participate in the program at
2 any given time.

3 **SECTION 5. AMENDMENT.** Section 27-02.2-05 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **27-02.2-05. Incentive payment to participating attorneys.**

6 An attorney selected by the supreme court to participate in the recruitment and retention
7 assistance program is entitled to receive an incentive payment of forty-five thousand dollars to
8 be paid in five equal annual installments.

9 **SECTION 6. AMENDMENT.** Section 27-02.2-06 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **27-02.2-06. Agreement for payment of recruitment and retention assistance -**
12 **Repayment.**

- 13 1. An agreement for the payment of recruitment and retention assistance under this
14 chapter must require the county or municipality served by the attorney to provide
15 thirty-five percent of the total amount of the incentive payment in five equal
16 installments.
- 17 2. The state bar association of North Dakota, the North Dakota bar foundation, or any
18 other legal association in North Dakota shall pay fifteen percent of the annual
19 installment to the supreme court.
- 20 3. After the county or municipality certifies to the supreme court that the county or
21 municipality has paid the attorney the annual amount and the state bar association of
22 North Dakota, the North Dakota bar foundation, or any other legal association in North
23 Dakota has paid its installment to the supreme court, the supreme court shall pay the
24 attorney the remaining balance of the annual installment.
- 25 4. Subject to appropriation by the legislative assembly, the supreme court shall pay the
26 required amount of funds pursuant to this chapter and the funds received from the
27 state bar association of North Dakota, the North Dakota bar foundation, or any other
28 legal association in North Dakota, as required under this chapter, to an attorney
29 participating in the program.

- 1 5. If an attorney breaches the agreement, the attorney shall repay all funds received
2 under this chapter and under the terms and conditions set by the supreme court.
3 Failure to repay the funds is grounds for discipline by the supreme court.

4 **SECTION 7. AMENDMENT.** Section 27-02.2-09 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **27-02.2-09. Attorney recruitment and retention assistance program fund - Continuing**
7 **appropriation.**

8 The attorney recruitment and retention assistance program fund is established in the state
9 treasury. Payments collected under section 27-02.2-08 must be deposited in the attorney
10 recruitment and retention assistance program fund. The funds deposited in the attorney
11 recruitment and retention assistance program fund are appropriated to the judicial branch on a
12 continuing basis for the purpose of making attorney payments under the recruitment and
13 retention assistance program.

14 **SECTION 8. AMENDMENT.** Section 27-02.2-10 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **27-02.2-10. Filing and approval of recruitment and retention assistance agreement.**

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

21 **SECTION 9. AMENDMENT.** Section 27-02.2-11 of the North Dakota Century Code is
22 amended and reenacted as follows:

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

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