AN ACT

ENTITLED, An Act to provide for the transfer and appropriation of funds upon the occurrence of certain events and to assist rural counties in the recruitment of attorneys.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. The Unified Judicial System may establish a pilot program to assist rural counties in recruiting attorneys.

Section 2. A county eligible to participate in the recruitment assistance pilot program is any county in this state which:

(1) Has a population of ten thousand persons or less;

(2) Agrees to provide its portion of the incentive payment pursuant to the provisions of this Act; and

(3) Is determined to be eligible by the Unified Judicial System.

Each interested county shall apply to the Unified Judicial System. Before making a determination of eligibility, the Unified Judicial System shall conduct a county assessment designed to evaluate the county's need for an attorney and its ability to sustain and support an attorney. The Unified Judicial System shall maintain a list of counties that have been assessed and that are eligible for participation in the recruitment assistance pilot program established by this Act. The Unified Judicial System may revise any county assessment or conduct a new assessment as necessary to reflect any change in conditions within a county.

Section 3. In making the selection of the participating counties, the Unified Judicial System shall be guided by:

(1) Demographics of the county;

(2) Age and number of the current membership of the county bar;

(3) Recommendation of the presiding circuit judge;

(4) Programs of economic development within the county;

(5) Geographical location to other counties receiving assistance;

(6) Evaluation of the attorney seeking assistance under this program;

(7) Existing or previous ties of the applicant to the county; and

(8) Prior participation by the county in this pilot program.

Section 4. An attorney licensed to practice in South Dakota is eligible to participate in the recruitment assistance pilot program established pursuant to this Act. The attorney shall agree to practice in an eligible rural county for at least five years. No more than a total of sixteen attorneys may participate in the program. No attorney may be added to the program after July 1, 2017.

Section 5. Any attorney who fulfills the requirements of the recruitment assistance pilot program established pursuant to this Act, is entitled to receive an incentive payment in five equal annual installments, each in an amount equal to ninety percent of the University of South Dakota School of Law resident tuition and fees as determined on July 1, 2013.

Section 6. Any agreement for the payment of recruitment assistance pursuant to this Act shall obligate the rural county served by the attorney to provide thirty-five percent of the total amount of the incentive payment in five equal annual installments. After the rural county certifies to the Unified Judicial System that it has paid the attorney the annual amount for which it is obligated and the State Bar of South Dakota or its designee has paid fifteen percent of the annual installment to the Unified Judicial System, the Unified Judicial System shall pay to the attorney the remaining balance of the total installment payment amount for that year. The Unified Judicial System shall pay the required amount out of funds appropriated in section 10 of this Act and the funds received from the State Bar of South Dakota pursuant to this Act. A county may prepay its portion of the incentive payment at any time during the five-year period.

If the attorney has received a payment pursuant to this Act and subsequently breeches the

agreement, the attorney shall repay all sums received pursuant to this Act under the terms and conditions set by the Unified Judicial System. Failure to make repayment is grounds for discipline by the State Bar of South Dakota and the Supreme Court.

Section 7. Any rural county may appropriate funds for the purpose of carrying out the provisions of this Act. A rural county may enter an agreement with any county, municipality, school district, or nonprofit entity to assist the county in carrying out the provisions of this Act.

Section 8. No recruitment assistance agreement entered into pursuant to the provisions of this Act is effective until it is filed with and approved by the Unified Judicial System. The agreement shall provide that the attorney practice law full-time in the eligible county for at least five years. The Supreme Court may promulgate rules necessary to implement the provisions of this Act pursuant to chapter 1-26.

Section 9. No person may participate in the program established pursuant to the provisions of this Act if the person has previously participated in the program, or any other state or federal scholarship, loan repayment, or tuition reimbursement program that obligates the person to provide attorney services within an underserved area.

Section 10. There is hereby appropriated from the general fund the sum of four hundred seventy-five thousand dollars ($475,000), or so much thereof as may be necessary, to the Unified Judicial System other fund fiduciary account to provide payments described in section 5 of this Act.

Section 11. The Chief Justice shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 12. Any amounts appropriated in this Act not lawfully expended or obligated shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 13. The Unified Judicial System shall annually file with the Legislative Research Council a report on the status of the program.

Section 14. In order to fully fund the incentive payment, the Unified Judicial System is specially authorized to receive from the State Bar of South Dakota fifteen percent of the total amount of an incentive payment authorized pursuant to this Act in five equal annual installments and place the funds in the Unified Judicial System other fund fiduciary fund.

An Act to provide for the transfer and appropriation of funds upon the occurrence of certain events and to assist rural counties in the recruitment of attorneys.

==========

I certify that the attached Act originated in the

HOUSE as Bill No. 1096

_____
Chief Clerk

==========

_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1096
File No. ____
Chapter No. _____

==========

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

==========

The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

==========

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State