

AN ACT

ENTITLED, An Act to revise certain provisions concerning the attorney recruitment assistance program.

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

Section 1. That § 16-23-1 be amended to read:

16-23-1. The Unified Judicial System may establish a program to assist rural counties and municipalities in recruiting attorneys.

Section 2. That § 16-23-2 be amended to read:

16-23-2. Each interested county or municipality shall apply to the Unified Judicial System. Before making a determination of eligibility, the Unified Judicial System shall conduct a county or municipality assessment designed to evaluate the county or municipality's need for an attorney and its ability to sustain and support an attorney. The Unified Judicial System shall maintain a list of counties and municipalities that have been assessed and are eligible for participation in the recruitment assistance program established by this chapter. The Unified Judicial System may revise any county or municipality assessment or conduct a new assessment as necessary to reflect any change in conditions within a county or municipality.

Section 3. That chapter 16-23 be amended by adding a NEW SECTION to read:

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

- (1) Has a population of ten thousand persons or less;
- (2) Agrees to provide the county's portion of the incentive payment pursuant to the provisions of this chapter; and
- (3) Is determined to be eligible by the Unified Judicial System.

Section 4. That chapter 16-23 be amended by adding a NEW SECTION to read:

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

- (1) Has a population of three thousand five hundred persons or less;
- (2) Agrees to provide the municipality's portion of the incentive payment pursuant to the provisions of this chapter; and
- (3) Is determined to be eligible by the Unified Judicial System.

Section 5. That § 16-23-3 be amended to read:

16-23-3. In making the selection of the participating counties and municipalities, the Unified Judicial System shall consider:

- (1) The demographics of the county or municipality;
- (2) The age and number of the current membership of the county or municipality bar;
- (3) The recommendation of the presiding circuit judge;
- (4) The programs of economic development within the county or municipality;
- (5) The geographical location compared to other counties or municipalities receiving assistance;
- (6) The evaluation of the attorney seeking assistance under the program;
- (7) Any existing or previous ties of the applicant to the county or municipality; and
- (8) Any prior participation by the county or municipality in the program.

Section 6. That § 16-23-4 be amended to read:

16-23-4. Any attorney licensed to practice in South Dakota is eligible to participate in the recruitment assistance program established pursuant to this chapter. The attorney shall agree to practice in an eligible rural county or municipality for at least five years. No more than a total of thirty-two attorneys may participate in the program. No attorney may be added to the program after July 1, 2022.

Section 7. That § 16-23-5 be amended to read:

16-23-5. Any attorney who fulfills the requirements of the recruitment assistance program

established pursuant to this chapter, 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 8. That § 16-23-6 be amended to read:

16-23-6. Any agreement for the payment of recruitment assistance pursuant to this chapter shall obligate the rural county or municipality 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 or municipality certifies to the Unified Judicial System that the county or municipality has paid the attorney the annual amount 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 pursuant to this chapter and the funds received from the State Bar of South Dakota pursuant to this chapter. A county or municipality may prepay its portion of the incentive payment at any time during the five-year period.

If an attorney has breached the agreement, the attorney shall repay all sums received pursuant to this chapter 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 9. That § 16-23-7 be amended to read:

16-23-7. Any rural county or municipality may appropriate funds for the purpose of carrying out the provisions of this chapter. A rural county or municipality may enter an agreement with any county, municipality, school district, or nonprofit entity to assist the county or municipality in carrying out the provisions of this chapter.

Section 10. That § 16-23-8 be amended to read:

16-23-8. No recruitment assistance agreement entered into pursuant to the provisions of this

chapter 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 or municipality for at least five years. The Supreme Court may promulgate rules necessary to implement the provisions of this chapter pursuant to chapter 1-26.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1053

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1053
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor
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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