

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

941U0137

SENATE APPROPRIATIONS ENGROSSED NO. **SB 218** - 02/19/2013

Introduced by: Senators Vehle, Bradford, Brown, Frerichs, Kirkeby, Lucas, Maher, Monroe, Olson (Russell), Rampelberg, Rave, Rhoden, Sutton, Tieszen, Van Gerpen, and Welke and Representatives Lust, Cronin, Feickert, Gosch, Hoffman, Hunhoff (Bernie), Johns, Magstadt, Mickelson, Munsterman, Olson (Betty), Qualm, Ring, Rozum, Verchio, and Wink

1 FOR AN ACT ENTITLED, An Act to establish a program to assist rural counties to recruit
2 attorneys.

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

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

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

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

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

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

12 Each interested county shall apply to the Unified Judicial System. Before making a
13 determination of eligibility, the Unified Judicial System shall conduct a county assessment



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

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

- 8 (1) Demographics of the county;
- 9 (2) Age and number of the current membership of the county bar;
- 10 (3) Recommendation of the presiding circuit judge;
- 11 (4) Programs of economic development within the county;
- 12 (5) Geographical location to other counties receiving assistance;
- 13 (6) Evaluation of the law student or attorney seeking assistance under this program;
- 14 (7) Existing or previous ties of the applicant to the county; and
- 15 (8) Prior participation by the county in this pilot program.

16 Section 4. A law student is eligible to participate in the recruitment assistance pilot program
17 established pursuant to this Act if the student is enrolled at the University of South Dakota
18 School of Law or has been a resident of the state for at least three years and is enrolled in a law
19 school accredited by the American Bar Association outside of the state. The student shall also
20 agree to practice in an eligible rural county for at least five years. Any attorney who agrees to
21 practice for at least five years in an eligible rural county is also eligible to participate in the
22 recruitment assistance pilot program. However, no more than four persons may be added to the
23 program in any one year and no more than a total of sixteen persons may participate in the
24 program. No person may be added to the program after July 1, 2017.

1 Section 5. Any law student or attorney who fulfills the requirements of the recruitment
2 assistance pilot program established pursuant to this Act, is entitled to receive an incentive
3 payment in an amount equal to one hundred fifty percent of the University of South Dakota
4 School of Law resident tuition and fees.

5 Section 6. Any agreement for the payment of recruitment assistance pursuant to this Act
6 shall obligate the rural county to be served by the attorney to provide thirty-five percent of the
7 total amount of the incentive payment. When the rural county certifies to the Unified Judicial
8 System that it has paid the amount for which it is obligated, the Unified Judicial System shall
9 pay to the law student the remaining balance of the total incentive payment amount for that year.
10 The Unified Judicial System shall pay the required amount out of funds appropriated in section
11 9 of this Act. For a law student the incentive payment shall be paid upon the successful
12 academic completion of each academic year. However, a county may prepay its portion of the
13 incentive payment at any time during the three-year period. For an attorney one-third of the
14 incentive payment shall be paid after each year of the attorney's first three years of practice in
15 an eligible rural county and the county has paid its one-third portion of the incentive payment.
16 However, a county may prepay its portion of the incentive payment any time during the three-
17 year period.

18 If the law student or attorney has received a payment pursuant to this Act and subsequently
19 breeches the agreement, the student or attorney shall repay all sums received pursuant to this Act
20 under the terms and conditions set by the Unified Judicial System. Failure to make repayment
21 is grounds for discipline by the State Bar of South Dakota and the Supreme Court.

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

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

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

10 Section 10. There is hereby appropriated from the general fund the sum of one dollar (\$1),
11 or so much thereof as may be necessary, to the Unified Judicial System to provide payments
12 described in section 5 of this Act.

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

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

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