

House File 2407 - Introduced

HOUSE FILE 2407

BY LOHSE

A BILL FOR

1 An Act creating a rural attorney recruitment assistance
2 program, and making appropriations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 602.10142 Rural attorney
2 recruitment assistance program — fund.

3 1. *Program created.* The judicial branch may establish
4 a program to assist rural counties and municipalities in
5 recruiting attorneys.

6 2. *Application.* Each interested county or municipality
7 must apply to the judicial branch to be included in the rural
8 attorney recruitment assistance program. Before making a
9 determination of eligibility, the judicial branch shall conduct
10 a county or municipality assessment designed to evaluate
11 the county's or municipality's need for an attorney and the
12 county's or municipality's ability to sustain and support
13 an attorney. The judicial branch shall maintain a list of
14 counties and municipalities that have been assessed and are
15 eligible for participation in the program. The judicial branch
16 may revise any county or municipality assessment or conduct a
17 new assessment as necessary to reflect any change in conditions
18 within a county or municipality.

19 3. *County or municipality eligible to participate.* A county
20 or municipality is eligible to participate in the program if
21 all of the following are true:

22 a. The county or municipality has a population of less than
23 twenty-six thousand and is located more than twenty miles from
24 a city with a population of at least fifty thousand, based on
25 the 2020 federal decennial census.

26 b. The county or municipality agrees to provide the county's
27 or municipality's portion of the incentive payment pursuant to
28 the provisions of this section.

29 c. The judicial branch determines the county or municipality
30 is eligible.

31 4. *Incentive payment to participating attorneys.* Any
32 attorney who fulfills the requirements of the program is
33 entitled to receive an incentive payment in five equal annual
34 installments, each in an amount equal to ninety percent of the
35 annual university of Iowa college of law resident tuition and

1 fees as determined on July 1, 2024.

2 5. *Agreement for payment of recruitment assistance —*
3 *repayment upon breach.*

4 a. Any agreement for the payment of recruitment assistance
5 pursuant to this section must obligate the rural county or
6 municipality served by the attorney to provide thirty-five
7 percent of the total amount of the incentive payments in
8 five equal annual installments. After the rural county or
9 municipality certifies to the judicial branch that the county
10 or municipality has paid the attorney the required amount,
11 the judicial branch shall pay to the attorney the remaining
12 balance. The judicial branch shall pay the required amount out
13 of moneys appropriated pursuant to this section. A county or
14 municipality may prepay its portion of the incentive payments
15 at any time during the five-year period.

16 b. If an attorney has breached the agreement, the attorney
17 shall repay all sums received pursuant to this section under
18 the terms and conditions set by the judicial branch. Failure
19 to make repayment is grounds for discipline by the bar of Iowa
20 and the supreme court.

21 6. *County and municipality funding.* Any eligible county
22 or municipality may appropriate moneys for the purpose of
23 carrying out the provisions of this section. An eligible
24 county or municipality may enter an agreement with any county,
25 municipality, school district, or nonprofit entity to assist
26 the county or municipality in carrying out the provisions of
27 this section.

28 7. *Filing and approval of recruitment assistance*
29 *agreement.* A recruitment assistance agreement entered into
30 pursuant to this section is not effective until it is filed
31 with and approved by the judicial branch. The agreement
32 must provide that the attorney practice law full-time in the
33 eligible county or municipality for at least five years.

34 8. *Ineligibility for participation in other programs.* A
35 person shall not participate in the program if the person has

1 previously participated in the program, or any other state or
2 federal scholarship, loan repayment, or tuition reimbursement
3 program that obligates the person to provide attorney services
4 within an underserved area.

5 9. *Annual report on status of program.* The judicial branch
6 shall annually file with the general assembly a report on the
7 status of the program.

8 10. *Fund established.* A rural attorney recruitment
9 assistance program fund is created in the state treasury
10 under the control of the judicial branch. The judicial
11 branch may accept gifts, grants, bequests, and other private
12 contributions, as well as state or federal moneys, for
13 deposit in the fund. The judicial branch shall remit all
14 repayments made pursuant to this section to the fund. All
15 moneys deposited or paid into the fund are appropriated to the
16 judicial branch to be used for meeting the requirements of this
17 section and increasing the number of attorneys participating
18 in the program. Notwithstanding section 8.33, moneys in the
19 fund that remain unencumbered or unobligated at the close of
20 a fiscal year shall not revert but shall remain available for
21 expenditure for the purposes designated. Notwithstanding
22 section 12C.7, subsection 2, interest or earnings on moneys in
23 the fund shall be credited to the fund.

24 11. *Limitation.* The program shall not provide assistance
25 for more than five attorneys. This subsection is repealed July
26 1, 2025.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill creates the rural attorney recruitment assistance
31 program. The bill allows the judicial branch to establish
32 a program for attorneys to assist rural counties and
33 municipalities in recruiting attorneys. The bill requires each
34 interested county or municipality to apply to the judicial
35 branch. The judicial branch is required to conduct a county

1 or municipality assessment designed to evaluate the county's
2 or municipality's need for an attorney and the county's or
3 municipality's ability to sustain and support an attorney
4 before admitting a county or municipality into the program.
5 The bill requires the judicial branch to maintain a list of
6 counties and municipalities that have been assessed and are
7 eligible for participation in the program. The judicial branch
8 is allowed to revise any county or municipality assessment or
9 conduct a new assessment as necessary to reflect any change in
10 conditions within a county or municipality.

11 The bill provides that a county or municipality is eligible
12 to participate in the program if it has a population of less
13 than 26,000 and is located more than 20 miles from a city with
14 a population of at least 50,000, based on the 2020 federal
15 decennial census.

16 The bill provides that any attorney who fulfills the
17 requirements of the program is entitled to receive an incentive
18 payment in five equal annual installments, each in an amount
19 equal to 90 percent of the university of Iowa college of law
20 resident tuition and fees as determined on July 1, 2024.

21 The bill provides that any agreement for payment under
22 the program shall obligate the county or municipality served
23 by the attorney to pay 35 percent of the total amount of the
24 incentive payments in five equal annual installments. The
25 bill requires the judicial branch, upon certification that the
26 county or municipality has paid the attorney the annual amount
27 to the judicial branch, to pay the attorney the remaining
28 balance. The bill provides that the judicial branch shall
29 pay the required amount out of moneys appropriated from the
30 state. The bill further provides that a county or municipality
31 may prepay its portion of the incentive payment at any time
32 during the five-year period. The bill requires an attorney
33 that has breached the agreement to repay all sums received. An
34 attorney's failure to make repayment is grounds for discipline
35 by the bar of Iowa and the supreme court.

1 The bill allows any rural county or municipality to
2 appropriate moneys for the purpose of funding the program.

3 The bill provides that no recruitment assistance agreement
4 entered into is effective until it is filed with and approved
5 by the judicial branch. The agreement shall provide that the
6 attorney practice law full-time in the eligible county or
7 municipality for at least five years.

8 The bill provides that no person may participate in the
9 program if the person has previously participated in the
10 program, or any other state or federal scholarship, loan
11 repayment, or tuition reimbursement program that obligates the
12 person to provide attorney services within an underserved area.

13 The bill requires the judicial branch to annually file a
14 report with the general assembly about the program.

15 A rural attorney recruitment assistance program fund is
16 created and moneys in the fund are appropriated to the judicial
17 branch to be used for the program and to increase the number
18 of attorneys in the program. The program is limited to five
19 attorneys in the first year.