

**House File 2689 - Introduced**

HOUSE FILE 2689

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HF 2407)

**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. 256.20 Rural attorney recruitment  
2 assistance program — fund.

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

6 2. *Application.* Each interested county or municipality  
7 must apply to the department to be included in the rural  
8 attorney recruitment assistance program. Before making a  
9 determination of eligibility, the department 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 an  
13 attorney. The department shall maintain a list of counties and  
14 municipalities that have been assessed and are eligible for  
15 participation in the program. The department may revise any  
16 county or municipality assessment or conduct a new assessment  
17 as necessary to reflect any change in conditions within a  
18 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  
28 to the provisions of this section. Such payments shall be in  
29 addition to the advertised salary and benefits of the attorney  
30 position.

31 c. The department determines the county or municipality is  
32 eligible.

33 4. *Incentive payment to participating attorneys.* Any  
34 attorney who is selected to enter into an agreement and who, in  
35 conjunction with the eligible county or municipality, fulfills

1 the requirements of the program is entitled to receive an  
2 incentive payment in five equal annual installments, each in  
3 an amount equal to ninety percent of the annual university of  
4 Iowa college of law resident tuition and fees as determined on  
5 July 1, 2024.

6 5. *Agreement for payment of recruitment assistance.*

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

20 b. The agreement must require the attorney to become a  
21 contract attorney with the office of the state public defender  
22 and agree to participate in volunteer lawyer projects through  
23 nonprofit organizations providing critical legal assistance to  
24 low-income and vulnerable Iowans.

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

32 7. *Filing and approval of recruitment assistance*

33 *agreement.* A recruitment assistance agreement entered into  
34 pursuant to this section is not effective until it is filed  
35 with and approved by the department. The agreement must

1 provide that the attorney practice law full-time in the  
2 eligible county or municipality for at least five years.

3 8. *Ineligibility for participation in other programs.* A  
4 person shall not participate in the program if the person has  
5 previously participated in the program, or any other state or  
6 federal scholarship, loan repayment, or tuition reimbursement  
7 program that obligates the person to provide attorney services  
8 within an underserved area.

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

27 10. *Rules.* The department shall adopt rules to administer  
28 this section.

29 11. *Limitation.* The program shall not provide assistance  
30 for more than five attorneys. This subsection is repealed July  
31 1, 2025.

32 EXPLANATION

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

35 This bill creates the rural attorney recruitment assistance

1 program. The bill allows the department of education to  
2 establish a program for attorneys to assist rural counties and  
3 municipalities in recruiting attorneys. The bill requires each  
4 interested county or municipality to apply to the department.  
5 The department is required to conduct a county or municipality  
6 assessment designed to evaluate the county's or municipality's  
7 need for an attorney and the county's or municipality's ability  
8 to sustain and support an attorney before admitting a county  
9 or municipality into the program. The bill requires the  
10 department to maintain a list of counties and municipalities  
11 that have been assessed and are eligible for participation in  
12 the program. The department is allowed to revise any county  
13 or municipality assessment or conduct a new assessment as  
14 necessary to reflect any change in conditions within a county  
15 or municipality.

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

21 The bill provides that any attorney who fulfills the  
22 requirements of the program is entitled to receive an incentive  
23 payment in five equal annual installments, each in an amount  
24 equal to 90 percent of the university of Iowa college of law  
25 resident tuition and fees as determined on July 1, 2024. This  
26 is in addition to the advertised salary and benefits for the  
27 attorney position.

28 The bill provides that any agreement for payment under  
29 the program shall obligate the county or municipality served  
30 by the attorney to pay 35 percent of the total amount of the  
31 incentive payments in five equal annual installments. The bill  
32 requires the department, upon certification that the county  
33 or municipality has paid the attorney the annual amount to  
34 the department, to pay the attorney the remaining balance.  
35 The bill provides that the department shall pay the required

1 amount out of moneys appropriated from the state. The bill  
2 further provides that a county or municipality may prepay  
3 its portion of the incentive payment at any time during the  
4 five-year period. The bill requires the agreement to require  
5 the attorney to become a contract attorney with the office of  
6 the state public defender and agree to participate in volunteer  
7 lawyer projects.

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

10 The bill provides that no recruitment assistance agreement  
11 entered into is effective until it is filed with and approved  
12 by the department. The agreement shall provide that the  
13 attorney practice law full-time in the eligible county or  
14 municipality for at least five years.

15 The bill provides that no person may participate in the  
16 program if the person has previously participated in the  
17 program, or any other state or federal scholarship, loan  
18 repayment, or tuition reimbursement program that obligates the  
19 person to provide attorney services within an underserved area.

20 A rural attorney recruitment assistance program fund  
21 is created and moneys in the fund are appropriated to the  
22 department to be used for the program and to increase the  
23 number of attorneys in the program. The program is limited to  
24 five attorneys in the first year.