

Senate File 250 - Introduced

SENATE FILE 250

BY SWEENEY

(COMPANION TO HF 209 BY COMMITTEE
ON JUDICIARY)

A BILL FOR

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

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

unofficial

1 Section 1. NEW SECTION. **256.231 Rural attorney recruitment**
2 **assistance program — fund.**

3 1. *Program created.* The college student aid commission shall
4 establish a program to assist rural counties and municipalities
5 in recruiting attorneys.

6 2. *Application.* Each interested county or municipality must
7 apply to the college student aid commission to be included in the
8 rural attorney recruitment assistance program. Before making a
9 determination of eligibility, the college student aid commission
10 shall conduct a county or municipality assessment designed to
11 evaluate the county's or municipality's need for an attorney and
12 the county's or municipality's ability to sustain and support
13 an attorney. The college student aid commission shall maintain
14 a list of counties and municipalities that have been assessed
15 and are eligible for participation in the program. The college
16 student aid commission may revise any county or municipality
17 assessment or conduct a new assessment as necessary to reflect
18 any change in conditions 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 all
21 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 a
24 city with a population of at least fifty thousand, based on the
25 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. Such payments shall be in
29 addition to the advertised salary and benefits of the attorney
30 position.

31 c. The college student aid commission determines the county
32 or municipality is 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 an
3 amount equal to ninety percent of the annual university of Iowa
4 college of law resident tuition and fees as determined on July 1,
5 2026.

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 college student aid commission
13 that the county or municipality has paid the attorney the
14 required amount, the college student aid commission shall pay
15 to the attorney the remaining balance. The college student
16 aid commission shall pay the required amount out of moneys
17 appropriated pursuant to this section. A county or municipality
18 may prepay its portion of the incentive payments at any time
19 during the five-year period. The college student aid commission
20 shall only pay upon completion of each annual employment
21 obligation. A county or municipality may include provisions
22 in the agreement that the county or municipality determines
23 are necessary to attract and retain the attorney, including
24 provisions that implement residency requirements.

25 b. The agreement must require the attorney to do all of the
26 following:

27 (1) Become a contract attorney with the office of the state
28 public defender and designate the minimum number of hours that
29 the attorney must provide as a contract attorney during each
30 calendar year during the contract period.

31 (2) Participate in volunteer lawyer projects through
32 nonprofit organizations providing critical legal assistance to
33 low-income and vulnerable Iowans.

34 6. *County and municipality funding.* Any eligible county
35 or municipality may appropriate moneys for the purpose of

1 carrying out the provisions of this section. An eligible
2 county or municipality may enter an agreement with any county,
3 municipality, school district, or nonprofit entity to assist the
4 county or municipality in carrying out the provisions of this
5 section.

6 7. *Filing and approval of recruitment assistance*
7 *agreement.* A recruitment assistance agreement entered into
8 pursuant to this section is not effective until it is filed
9 with and approved by the college student aid commission. The
10 agreement must provide that the attorney practice law full-time
11 in the eligible county or municipality for at least five years.

12 8. *Ineligibility for participation in other programs.* A
13 person shall not participate in the program if the person has
14 previously participated in the program, or any other state or
15 federal scholarship, loan repayment, or tuition reimbursement
16 program that obligates the person to provide attorney services
17 within an underserved area.

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

1 on moneys in the fund shall be credited to the fund.

2 10. *Rules.* The college student aid commission shall adopt
3 rules to administer this section.

4 11. *Limitation.* The program shall not provide assistance for
5 more than five attorneys. This subsection is repealed July 1,
6 2026.

7 Sec. 2. CODE EDITOR DIRECTIVE. The Code editor shall
8 designate section 256.231, as enacted in this Act, as a new
9 subpart within chapter 256, subchapter VII, part 4, entitled
10 "rural attorney recruitment assistance program".

11 EXPLANATION

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

14 This bill creates the rural attorney recruitment assistance
15 program. The bill requires the college student aid commission
16 (commission) to establish a program for attorneys to assist rural
17 counties and municipalities in recruiting attorneys. The bill
18 requires each interested county or municipality to apply to the
19 commission. The commission is required to conduct a county
20 or municipality assessment designed to evaluate the county's
21 or municipality's need for an attorney and the county's or
22 municipality's ability to sustain and support an attorney before
23 admitting a county or municipality into the program. The bill
24 requires the commission to maintain a list of counties and
25 municipalities that have been assessed and are eligible for
26 participation in the program. The commission is allowed to
27 revise any county or municipality assessment or conduct a new
28 assessment as necessary to reflect any change in conditions
29 within a county or municipality.

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

35 The bill provides that any attorney who fulfills the

1 requirements of the program is entitled to receive an incentive
2 payment in five equal annual installments, each in an amount
3 equal to 90 percent of the university of Iowa college of law
4 resident tuition and fees as determined on July 1, 2026. This
5 is in addition to the advertised salary and benefits for the
6 attorney position.

7 The bill provides that any agreement for payment under the
8 program shall obligate the county or municipality served by
9 the attorney to pay 35 percent of the total amount of the
10 incentive payments in five equal annual installments. The bill
11 requires the commission, upon certification that the county or
12 municipality has paid the attorney the annual amount to the
13 commission, to pay the attorney the remaining balance. The bill
14 provides that the commission shall pay the required amount out of
15 moneys appropriated from the state. The bill further provides
16 that a county or municipality may prepay its portion of the
17 incentive payment at any time during the five-year period. The
18 bill requires the agreement to require the attorney to become a
19 contract attorney with the office of the state public defender,
20 designate the minimum number of hours that the attorney must
21 provide as a contract attorney, and agree to participate in
22 volunteer lawyer projects.

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

25 The bill provides that no recruitment assistance agreement
26 entered into is effective until it is filed with and approved by
27 the commission. The agreement shall provide that the attorney
28 practice law full-time in the eligible county or municipality for
29 at least five years.

30 The bill provides that no person may participate in the
31 program if the person has previously participated in the program,
32 or any other state or federal scholarship, loan repayment,
33 or tuition reimbursement program that obligates the person to
34 provide attorney services within an underserved area.

35 A rural attorney recruitment assistance program fund is

1 created and moneys in the fund are appropriated to the commission
2 to be used for the program and to increase the number of
3 attorneys in the program. The program is limited to five
4 attorneys in the first year.

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