

# **Rural Attorney Recruitment Program Bill House File 2689**

Last Action:  
House Appropriations  
Committee  
April 4, 2024

**An Act creating a Rural Attorney Recruitment Assistance Program, and making appropriations.**

**Fiscal Services Division  
Legislative Services Agency**

## **NOTES ON BILLS AND AMENDMENTS (NOBA)**

Available online at [www.legis.iowa.gov/publications/information/appropriationBillAnalysis](http://www.legis.iowa.gov/publications/information/appropriationBillAnalysis)

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**NEW PROGRAMS, SERVICES, OR ACTIVITIES**

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Creates the Rural Attorney Recruitment Assistance Program within the Department of Education (DE) to assist in the recruitment of attorneys in rural counties and municipalities. The Bill requires counties and municipalities to apply to the DE to be included in the Program and establishes the eligibility requirements to participate in the Program. Page 1, Line 1

Permits a county or municipality to be eligible to participate in the Program if all of the following criteria are met: Page 1, Line 19

- The county or municipality has a population of less than 26,000 and is located more than 20 miles from a city with a population of at least 50,000, based on the 2020 federal decennial census.
- The county or municipality agrees to provide the county's or municipality's portion of the incentive payment. Such payments shall be in addition to the advertised salary and benefits of the attorney position.
- The DE determines that the county or municipality is eligible.

Creates incentive payments to participating attorneys who fulfill the requirements of the Program. The payments are in five equal annual installments, with 35.0% of the total to be paid by the county or municipality served by the attorney. The total individual payment is equal to 90.0% of the annual University of Iowa College of Law resident tuition and fees as determined on July 1, 2024. Page 1, Line 33

Allows for a county or municipality to appropriate moneys for the Program. The Bill also allows for a county or municipality to enter into an agreement with any other entities to assist the county or municipality in carrying out the Program. Page 2, Line 25

Creates the Rural Attorney Recruitment Assistance Program Fund under the control of the DE. Page 3, Line 9

Requires the DE to adopt administrative rules to administer the Program. Page 3, Line 27

Prohibits the Program from providing assistance to more than five attorneys during FY 2025. Page 3, Line 29

House File 2689 provides for the following changes to the Code of Iowa.

<b>Page #</b>	<b>Line #</b>	<b>Bill Section</b>	<b>Action</b>	<b>Code Section</b>
1	1	1	New	256.20

1 1 Section 1.NEW SECTION 256.20 RURAL ATTORNEY RECRUITMENT  
 1 2 ASSISTANCE PROGRAM — FUND.  
 1 3 1. PROGRAM CREATED. The department may establish a program  
 1 4 to assist rural counties and municipalities in recruiting  
 1 5 attorneys.

CODE: Creates the Rural Attorney Recruitment Assistance Program within the Department of Education (DE) for the purpose of assisting rural counties and municipalities in recruiting attorneys.

1 6 2. APPLICATION. Each interested county or municipality  
 1 7 must apply to the department to be included in the rural  
 1 8 attorney recruitment assistance program. Before making a  
 1 9 determination of eligibility, the department shall conduct  
 1 10 a county or municipality assessment designed to evaluate  
 1 11 the county's or municipality's need for an attorney and the  
 1 12 county's or municipality's ability to sustain and support an  
 1 13 attorney. The department shall maintain a list of counties and  
 1 14 municipalities that have been assessed and are eligible for  
 1 15 participation in the program. The department may revise any  
 1 16 county or municipality assessment or conduct a new assessment  
 1 17 as necessary to reflect any change in conditions within a  
 1 18 county or municipality.

Requires interested counties or municipalities to apply to the DE to be included in the Program. Before making a determination of eligibility, the DE must conduct an assessment designed to evaluate the county's or municipality's need for an attorney and its ability to sustain and support an attorney. Requires the DE to maintain a list of counties and municipalities which are eligible for participation in the Program. Allows DE to revise or conduct a new assessment as necessary to reflect any change in conditions within a county or municipality.

1 19 3. COUNTY OR MUNICIPALITY ELIGIBLE TO PARTICIPATE. A county  
 1 20 or municipality is eligible to participate in the program if  
 1 21 all of the following are true:  
 1 22 a. The county or municipality has a population of less than  
 1 23 twenty-six thousand and is located more than twenty miles from  
 1 24 a city with a population of at least fifty thousand, based on  
 1 25 the 2020 federal decennial census.  
 1 26 b. The county or municipality agrees to provide the county's  
 1 27 or municipality's portion of the incentive payment pursuant  
 1 28 to the provisions of this section. Such payments shall be in  
 1 29 addition to the advertised salary and benefits of the attorney  
 1 30 position.  
 1 31 c. The department determines the county or municipality is  
 1 32 eligible.

Permits a county or municipality to be eligible to participate in the Program if all of the following criteria are met:

- The county or municipality has a population of less than 26,000 and is located more than 20 miles from a city with a population of at least 50,000, based on the 2020 federal decennial census.
- The county or municipality agrees to provide the county's or municipality's portion of the incentive payment. Such payments shall be in addition to the advertised salary and benefits of the attorney position.
- The DE determines that the county or municipality is eligible.

1 33 4. INCENTIVE PAYMENT TO PARTICIPATING ATTORNEYS. Any  
 1 34 attorney who is selected to enter into an agreement and who, in  
 1 35 conjunction with the eligible county or municipality, fulfills  
 2 1 the requirements of the program is entitled to receive an  
 2 2 incentive payment in five equal annual installments, each in

Creates the incentive payments for attorneys who fulfill the requirements of the Program. The payments are in five equal annual installments and amount to 90.00% of the annual University of Iowa College of Law resident tuition and fees as determined on July 1, 2024.

2 3 an amount equal to ninety percent of the annual university of  
 2 4 Iowa college of law resident tuition and fees as determined on  
 2 5 July 1, 2024.

2 6 5. AGREEMENT FOR PAYMENT OF RECRUITMENT ASSISTANCE.

2 7 a. Any agreement for the payment of recruitment assistance  
 2 8 pursuant to this section must obligate the rural county or  
 2 9 municipality served by the attorney to provide thirty-five  
 2 10 percent of the total amount of the incentive payments in  
 2 11 five equal annual installments. After the rural county or  
 2 12 municipality certifies to the department that the county  
 2 13 or municipality has paid the attorney the required amount,  
 2 14 the department shall pay to the attorney the remaining  
 2 15 balance. The department shall pay the required amount out of  
 2 16 moneys appropriated pursuant to this section. A county or  
 2 17 municipality may prepay its portion of the incentive payments  
 2 18 at any time during the five-year period. The department shall  
 2 19 only pay upon completion of each annual employment obligation.

Provides that 35.00% of the total amount of the incentive payments are to be paid by the county or municipality served by the attorney in five equal annual installments. The DE is only required to pay upon the completion of each annual employment obligation.

2 20 b. The agreement must require the attorney to become a  
 2 21 contract attorney with the office of the state public defender  
 2 22 and agree to participate in volunteer lawyer projects through  
 2 23 nonprofit organizations providing critical legal assistance to  
 2 24 low-income and vulnerable lowans.

Requires the attorney to become a contract attorney with the Office of the State Public Defender and participate in volunteer lawyer projects through nonprofit organizations that provide critical legal assistance to low-income and vulnerable lowans.

2 25 6. COUNTY AND MUNICIPALITY FUNDING. Any eligible county  
 2 26 or municipality may appropriate moneys for the purpose of  
 2 27 carrying out the provisions of this section. An eligible  
 2 28 county or municipality may enter an agreement with any county,  
 2 29 municipality, school district, or nonprofit entity to assist  
 2 30 the county or municipality in carrying out the provisions of  
 2 31 this section.

Allows for a county or municipality to appropriate moneys for the Program. The Bill also allows for a county or municipality to enter into an agreement with any other entities to assist the county or municipality in carrying out the Program.

2 32 7. FILING AND APPROVAL OF RECRUITMENT ASSISTANCE  
 2 33 AGREEMENT. A recruitment assistance agreement entered into  
 2 34 pursuant to this section is not effective until it is filed  
 2 35 with and approved by the department. The agreement must  
 3 1 provide that the attorney practice law full-time in the  
 3 2 eligible county or municipality for at least five years.

Provides that the recruitment assistance agreement is not effective until it is filed with and approved by the DE. The agreement must provide that the attorney practice law full-time in the eligible county or municipality for at least five years.

3 3 8. INELIGIBILITY FOR PARTICIPATION IN OTHER PROGRAMS. A

Prohibits participation if the person has previously participated in this

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

Program or any other state or federal scholarship, loan repayment, or tuition reimbursement program that obligates the person to provide attorney services within an underserved area.

3 9 9. FUND ESTABLISHED. A rural attorney recruitment  
3 10 assistance program fund is created in the state treasury under  
3 11 the control of the department. The department may accept  
3 12 gifts, grants, bequests, and other private contributions, as  
3 13 well as state or federal moneys, for deposit in the fund. The  
3 14 department shall remit all repayments made pursuant to this  
3 15 section to the fund. All moneys deposited or paid into the  
3 16 fund are appropriated to the department to be used for meeting  
3 17 the requirements of this section and increasing the number of  
3 18 attorneys participating in the program. During a fiscal year,  
3 19 up to five percent of the moneys in the fund may be used by the  
3 20 department to cover implementation and administration costs  
3 21 associated with this section. Notwithstanding section 8.33,  
3 22 moneys in the fund that remain unencumbered or unobligated  
3 23 at the close of a fiscal year shall not revert but shall  
3 24 remain available for expenditure for the purposes designated.  
3 25 Notwithstanding section 12C.7, subsection 2, interest or  
3 26 earnings on moneys in the fund shall be credited to the fund.

Creates the Rural Attorney Recruitment Assistance Program Fund under the control of the DE. During a fiscal year, up to 5.00% of the moneys in the Fund may be used by the DE to cover implementation and administration costs. Moneys in the Fund that remain unencumbered or unobligated at the close of a fiscal year do not revert but are to remain available for expenditure. Any interest earned on moneys in the Fund are credited to the Fund.

3 27 10. RULES. The department shall adopt rules to administer  
3 28 this section.

Requires the DE to adopt administrative rules to administer the Program.

3 29 11. LIMITATION. The program shall not provide assistance  
3 30 for more than five attorneys. This subsection is repealed July  
3 31 1, 2025.

Prohibits the Program from providing assistance to more than five attorneys during FY 2025. This restriction is repealed July 1, 2025 (FY 2026)