

House Bill 236

By: Representatives Atwood of the 179th, Fleming of the 121st, Abrams of the 89th, and Willard of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to
2 attorneys, so as to authorize grants to attorneys for rural areas in this state that are
3 underserved by attorneys; to provide for a short title; to provide for legislative intent and
4 purpose; to provide for a definition; to provide for administration; to provide for rules and
5 regulations; to provide for grant requirements; to provide for conditions of grants; to provide
6 for contracts; to provide for penalties; to provide for cancellation of contracts; to provide for
7 funding; to provide for reporting; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to attorneys, is
12 amended by adding a new article to read as follows:

13 style="text-align:center">"ARTICLE 4

14 15-19-70.

15 This article shall be known and may be cited as the 'Attorneys for Rural Areas Assistance
16 Act.'

17 15-19-71.

18 It is the purpose of this article to increase the number of attorneys and improve access to
19 justice in underserved rural areas of Georgia by making grants to attorneys who have
20 completed their legal education and allow such grants to be used to repay legal educational
21 loan debt in return for the attorney agreeing to practice law and reside in such rural areas.
22 It is the intent of the General Assembly, if funds are available to the Department of
23 Community Affairs, that the Board of Community Affairs make grants under this article

24 or under other applicable state law and that the Department of Community Affairs give
25 priority to the grants provided for in this article.

26 15-19-72.

27 As used in this article, the term 'board' means the Board of Community Affairs.

28 15-19-73.

29 This article shall be administered by the Department of Community Affairs. The board
30 shall adopt and prescribe rules and regulations as it deems necessary or appropriate to
31 administer and carry out the grant program provided for in this article.

32 15-19-74.

33 (a) An attorney who receives a grant under this article shall be a citizen or national of the
34 United States and an active member in good standing of the State Bar of Georgia at the
35 time the grant is made.

36 (b) The board shall make a full investigation of the qualifications of an applicant for a
37 grant under the provisions of this article to determine the applicant's fitness for
38 participation in such a grant program, and for such purposes, the board may propound such
39 examinations to applicants as the board deems proper. The board's investigation shall
40 include a determination of the outstanding legal education loans incurred by the applicant
41 while completing his or her legal education.

42 (c) The board shall consider, among other criteria for disbursing grants under the
43 provisions of this article, the county residency status and home area of the applying
44 attorney and only award grants to attorneys who are actively practicing or beginning active
45 practice and are willing to relocate and reside in counties that qualify as attorney
46 underserved rural areas. In order to qualify for a grant under this article, the attorney must
47 establish residency in the eligible county within three months of the grant award.

48 15-19-75.

49 (a) The board shall award a grant to one attorney for each county qualifying as an attorney
50 underserved rural area. In making the determination of which rural areas are underserved
51 by attorneys, the board shall seek the advice and assistance of the State Bar of Georgia and
52 the Administrative Office of the Courts.

53 (b) The board shall select grantees from a list of up to two names compiled and presented
54 by the State Bar of Georgia and the executive counsel to the Governor.

55 15-19-76.

56 (a) Before being awarded a grant provided for in this article, each applicant therefor shall
57 enter into a contract with the State of Georgia agreeing to the terms and conditions upon
58 which the grant is awarded, which contract shall include such terms and conditions as will
59 carry out the purposes and intent of this article. The chairperson of the board, acting for
60 and on behalf of the State of Georgia, shall execute the contract for the board. The contract
61 shall also be properly executed by the applicant. The board shall be vested with full and
62 complete authority to bring an action in its own name against any grantee for the
63 performance of the contract and to collect any amount that may be due under the contract.

64 (b) Any grantee who breaches the contract for a grant by either failing to begin or failing
65 to complete the rural practice service obligation under the contract shall be immediately
66 liable to the board for the total amount of all grants received by the grantee plus an
67 additional 10 percent.

68 15-19-77.

69 The board shall have the authority to cancel the contract of any grantee for violation of the
70 board's rules and regulations or a violation of a contract that is deemed sufficient by the
71 board; provided, however, that such authority shall not be exercised arbitrarily or
72 unreasonably. Upon the cancellation of a contract, a grantee shall not be eligible to receive
73 further grant funds pursuant to this article.

74 15-19-78.

75 (a) The board shall award grants on a one-year renewable basis for a period not exceeding
76 five years unless the attorney breaches or cancels the contract.

77 (b) Beginning the first month that an attorney is practicing pursuant to a contract executed
78 pursuant to this article, the board shall begin to distribute the grant for legal education loan
79 repayment in an amount not to exceed \$1,000.00 per month or the attorney's monthly law
80 school loan payment based on a five year repayment schedule, whichever is less.

81 (c) The board shall attempt to operate in such a manner so as to qualify for the tax benefits
82 provided in 26 U.S.C. Section 108.

83 (d) Nothing in this article shall supersede the obligation of an attorney to repay his or her
84 legal educational loans.

85 15-19-79.

86 The funds necessary to carry out the grant program authorized by this article may come
87 from funds made available to the board from private, federal, state, or local sources. Funds
88 appropriated by the General Assembly for the purposes of this article shall be appropriated

89 to the Department of Community Affairs for the specific purpose of the grant program
90 authorized by this article, and for no other purposes.

91 15-19-80.

92 The board shall make a biennial report to the General Assembly of its activities under the
93 provisions of this article. Such report shall include the name of each grantee, the amount
94 of each grant, and the rural area in which the grantee is practicing law."

95 **SECTION 2.**

96 All laws and parts of laws in conflict with this Act are repealed.