

CHAPTER 1
DISBURSEMENT OF MONEY FROM CIVIL REPARATIONS TRUST FUND

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/3/29

361—1.1(668A) Notice of funds. The executive council provides notice of availability of money in the civil reparations trust fund in the following ways:

1.1(1) *Iowa Administrative Bulletin.* The executive council publishes notice of the balance in the fund in the Iowa Administrative Bulletin semiannually in January and July of each year and within 30 days of the deposit of any amount into the fund exceeding \$10,000. If the deposit of an amount exceeding \$10,000 would cause notice within 30 days of the deposit to be published in January or July, no additional publication is necessary.

1.1(2) *First-class mail.* The executive council maintains a mailing list of those persons who wish to receive notice of the balance in the fund. Notice is sent by first-class mail to all persons on the mailing list semiannually in January and July of each year and within 30 days of the deposit of any amount into the fund exceeding \$10,000. If the deposit of an amount exceeding \$10,000 would cause notice within 30 days of the deposit to be mailed in January or July, no additional mailing is necessary. Any person may be added to the mailing list on request.

In the event that there is no money in the fund in January or July, no notice will be published or mailed.
[ARC 8031C, IAB 5/29/24, effective 7/3/24]

361—1.2(668A) Applications.

1.2(1) The executive council will accept applications for money from the fund for a period of 30 days after notice has been published in the Iowa Administrative Bulletin or sent by first-class mail. Applications will not be accepted in advance of this time period.

1.2(2) Application forms are available from and filed with the office of the state treasurer.

1.2(3) An application is timely if it is postmarked on the thirtieth day after the date of publication in the Iowa Administrative Bulletin or on the thirtieth day after the date affixed to the notice sent by first-class mail, whichever is later. The executive council may accept applications submitted after this deadline only for good cause upon motion in writing.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

361—1.3(668A) Criteria. In determining whether to grant an application for money from the fund, the executive council considers the following factors:

1.3(1) The purpose for which the money will be utilized;

1.3(2) The number of people who will be served by the money;

1.3(3) The availability to the applicant of alternative sources of money;

1.3(4) The degree to which the applicant legally used the money under any prior applications.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

361—1.4(668A) Disposition of applications. The executive council determines the disposition of all pending applications and notifies all applicants of the decision by first-class mail. Notice of disposition is sent to all applicants on the same date.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

361—1.5(668A) Motion for reconsideration. Any applicant who is aggrieved or adversely affected by the disposition of the applicant's application may, within 15 days of the date affixed to the notice of disposition, file a motion for reconsideration with the office of the state treasurer. The motion is deemed filed when received and date-stamped by the treasurer.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

361—1.6(668A) Grounds. The motion for reconsideration has to delineate the specific grounds for reconsideration. An applicant may request a contested case hearing; however, any request for a contested case hearing specifically delineates the facts in dispute to be contested and determined at the hearing.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

361—1.7(668A) Procedure. The executive council rules on any pending motion for reconsideration, including a request for a contested case hearing. In the event that a request for a contested case hearing is granted, the proceeding is conducted as provided in X.5 of the Uniform Rules on Agency Procedure related to contested cases, which are published at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf on the general assembly's website. The burden of proof by a preponderance of the evidence rests with the requester to establish grounds for reconsideration. The office of the attorney general will defend the decision of the executive council.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

361—1.8(668A) Disbursement of money. No money will be disbursed from the fund after disposition of all applications until the time period for filing a motion for reconsideration has expired. After the time period for filing a motion for reconsideration has expired but while a motion for reconsideration by any applicant is pending, the executive council in its discretion may disburse money from the fund to applicants who have not filed a motion for reconsideration. Money may be disbursed to applicants while a motion for reconsideration is pending only to the extent that resolution of any pending motion could not affect the disbursement of money to other applicants.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

361—1.9(668A) Administrative costs. The costs of administering this fund, including any costs associated with the conduct of any contested case proceeding challenging the disbursement of money from the fund and costs for postage and copying, are billed to the fund after approval by the executive council.

[ARC 8031C, IAB 5/29/24, effective 7/3/24]

These rules are intended to implement Iowa Code chapters 17A, 7D, and 668A.

[Filed ARC 8031C (Notice ARC 7190C, IAB 12/13/23), IAB 5/29/24, effective 7/3/24]