

CHAPTER 12  
DISBURSEMENT OF MONEY FROM CIVIL  
REPARATIONS TRUST FUND

**361—12.1(668A) Eligibility.** Money in the civil reparations trust fund may be disbursed upon application for indigent civil litigation programs or insurance assistance programs.

**361—12.2(668A) Notice of funds.** The executive council shall provide notice of availability of money in the fund in the following ways:

**12.2(1) *Iowa Administrative Bulletin.*** The executive council shall publish 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 required.

**12.2(2) *First-class mail.*** The executive council shall maintain a mailing list of those persons who wish to receive notice of the balance in the fund. Notice shall be sent semiannually in January and July of each year and within 30 days of the deposit of any amount into the fund exceeding \$10,000 by first-class mail to all persons on the mailing list. 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 required. 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.

**361—12.3(668A) Applications.** The executive council shall 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 be not be accepted in advance of this time period.

**12.3(1) *Forms.*** Application forms are available in the office of the state treasurer.

**12.3(2) *Filing.*** Applications shall be filed with the office of the state treasurer.

**12.3(3) *Timeliness.*** 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.

**361—12.4(668A) Criteria.** In determining whether to grant an application for money from the fund, the executive council shall consider the following factors:

1. The purpose for which the money will be utilized;
2. The number of people who will be served by the money;
3. The availability to the applicant of alternative sources of money;
4. The degree to which the applicant complied with legal restrictions on the use of the money under any prior applications.

**361—12.5(668A) Disposition of applications.** The executive council shall determine the disposition of all pending applications and notify all applicants of the decision by first-class mail. Notice of disposition shall be sent to all applicants on the same date.

**361—12.6(668A) Motion for reconsideration.** Any applicant who is aggrieved or adversely affected by the disposition of the applicant's application must file a motion for reconsideration in the office of the state treasurer within 15 days of the date affixed to the notice of disposition. The motion is deemed filed when received and date-stamped by the treasurer.

**361—12.7(668A) Grounds.** The motion for reconsideration must delineate the specific grounds for reconsideration. An applicant may request a contested case hearing; however, any request for a contested case hearing must specifically delineate the facts in dispute to be contested and determined at the hearing.

**361—12.8(668A) Procedure.** The executive council shall rule 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 shall be conducted as provided in 361 IAC 10.8(17A,68B) et seq. The burden of proof by a preponderance of the evidence shall be on the requester to establish grounds for reconsideration. The decision of the executive council shall be defended by the office of the attorney general.

**361—12.9(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.

**361—12.10(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, shall be billed to the fund after approval by the executive council.

These rules are intended to implement Iowa Code chapter 17A as amended by 1998 Iowa Acts, chapter 1202, and Iowa Code chapters 7D and 668A.

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