

c. The development of an innovative processing, packaging, marketing, or management practice not commonly available in this state which is to be carried out by the person in this state.

4. Assistance by the department granted to an eligible person shall be subject to the following restrictions:

a. The person shall not receive financial assistance totaling more than eighty thousand dollars under this program.

b. Interest on a loan shall not exceed the current fair market interest rate. A loan shall not exceed fifty thousand dollars.

c. A loan guarantee shall not exceed eighty thousand dollars. A loan guarantee shall guarantee not more than eighty percent of a conventionally obtained loan.

d. A grant shall not exceed twenty-five thousand dollars. A grant shall be made only to provide leverage for a conventionally obtained loan. The conventionally obtained loan must be for an amount significantly larger than the amount of the grant.

5. Notwithstanding restrictions contained in subsection 4, the department may use up to five thousand dollars to contract for technical assistance in order to aid a person having a pending or approved application under this section.

**Sec. 3. NEW SECTION. 28.112 VALUE-ADDED AGRICULTURAL PRODUCTS AND PROCESSES FINANCIAL ASSISTANCE FUND.**

1. The department may establish a value-added agricultural products and processes financial assistance fund. The fund shall be a revolving fund composed of any money appropriated by the general assembly for that purpose, any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund, and any earned interest. Except as otherwise provided in subsection 2, the assets of the fund shall be used by the department only for carrying out the purposes of section 28.111.

2. The department may use moneys in the fund to do any of the following:

a. Contract, sue and be sued, and adopt administrative rules necessary to carry out the provisions of this section and section 28.111, but the department shall not in any manner directly or indirectly pledge the credit of the state.

b. Authorize payment from the fund, from any income received by investments of moneys in the fund for costs, commissions, attorney fees, and other reasonable expenses related to and necessary for insuring or guaranteeing loans under section 28.111, and for the recovery of loan moneys insured or guaranteed or the management of property acquired in connection with such loans.

c. Section 8.33 shall not apply to moneys in the fund.

Approved April 3, 1990

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## CHAPTER 1139

### PROTECTION OF INDIVIDUAL RIGHTS

*S.F. 2197*

**AN ACT** relating to violations of an individual's rights, by prohibiting acts of assault and criminal mischief, providing victims actionable civil relief against offenders, establishing a program to monitor rights violations, and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

**Section 1. NEW SECTION. 80.40 CRIME INFORMATION.**

The department shall establish a program to collect, classify, and disseminate information relating to violations of section 729.5. Planning for this project shall be completed and data collection shall commence no later than January 1, 1991.

Sec. 2. Section 729.5, Code 1989, is amended to read as follows:

**729.5 PROHIBITING VIOLATIONS OF AN INDIVIDUAL'S CIVIL RIGHTS – PENALTIES.**

1. Persons within the state of Iowa have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, ~~or~~ sex, sexual orientation, age, or disability.

2. A person, who acts alone, or who conspires with another person or persons, to injure, oppress, threaten, or intimidate or interfere with any citizen in the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of the state of Iowa or by the constitution or laws of the United States, and assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property damage, bodily injury or death when the person or persons intend to employ those techniques or means in furtherance of the conspiracy, is on conviction, guilty of a class "D" felony.

A person intimidates or interferes with another person if the act of the person results in any of the following:

a. Physical injury to the other person.

b. Physical damage to or destruction of the other person's property.

c. Communication in a manner, or action in a manner, intended to result in either of the following:

(1) To place the other person in fear of physical contact which will be injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(2) To place the other person in fear of harm to the other person's property, or harm to the person or property of a third person.

3. A person who maliciously and intentionally intimidates or interferes with another person because of that person's race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability and while doing so commits any of the following acts, is guilty of an aggravated misdemeanor:

a. Commits an assault, as defined in section 708.1, upon that person or a third person.

b. Commits an act of criminal mischief, as defined in section 716.1, upon that person or a third person.

3 4. The fact that a person committed a felony or misdemeanor, or attempted to commit a felony, because of the victim's race, color, religion, ~~nationality,~~ country of ancestry, national origin, political affiliation, ~~or~~ sex, sexual orientation, age, or disability, shall be considered a circumstance in aggravation of any crime in imposing sentence and fine. Evidence of such fact includes, but is not limited to, the burning of crosses and other symbols, and a rebuttable presumption of the fact arises where such an act is shown to have been committed.

5. A victim who has suffered physical, emotional, or financial harm as a result of a violation of this section is entitled to injunctive relief, general and special damages, reasonable attorney fees, and costs. However, a victim who is a member of a protected class and who has suffered physical, emotional, or financial harm as a result of a violation of this section which occurred because of the victim's status as a member of a protected class, shall not be entitled to any relief or damages pursuant to this subsection unless the victim has exhausted all administrative review provided for under 601A.

Upon a finding that a discriminatory or unfair practice prohibited under chapter 601A has occurred, the remedies provided under that chapter are the exclusive remedies available to the victim.

An action brought pursuant to this subsection must be brought within two years after the date of the violation of this section. However, the filing of a complaint under chapter 601A tolls the statute of limitations for the purposes of the commencement of an action under this subsection.

4 6. This section does not make unlawful the teaching of any technique in self-defense.

5 7. This section does not make unlawful any activity of any of the following officials or persons:

- a. Law enforcement officials of this or any other jurisdiction while engaged in the lawful performance of their official duties;
- b. Federal officials required to carry firearms while engaged in the lawful performance of their official duties;
- c. Members of the armed forces of the United States or the national guard while engaged in the lawful performance of their official duties; ~~or~~
- d. Any conservation commission, law enforcement agency, or any agency licensed to provide security services, or any hunting club, gun club, shooting range, or other organization or entity whose primary purpose is to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sporting or other lawful activity.

Sec. 3.

This Act shall not be construed to establish any new category of individual rights not currently protected by the laws of this state or federal law, or to enlarge, diminish, or impair any right guaranteed by the laws of this state or federal law.

Sec. 4.

The Code editor shall amend the title of chapter 729 by changing the word "civil" to "individual" to reflect the changes made in this Act.

Approved April 3, 1990

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## CHAPTER 1140

### ECONOMIC DEVELOPMENT NETWORK

*H.F. 705*

**AN ACT** establishing an Iowa economic development network and related councils and centers to assist in making available economic development programs and services.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 15.108, subsection 3, paragraph a, subparagraph (2), Code Supplement 1989, is amended by striking the subparagraph.

Sec. 2. Section 15.264, subsection 3, Code 1989, is amended by striking the subsection.

Sec. 3. NEW SECTION. 15.301 TITLE.

This part shall be known as the "Iowa Economic Development Network Act".

Sec. 4. NEW SECTION. 15.302 PURPOSE – INTENT.

1. The purpose of the Iowa economic development network is to create and stimulate economic opportunity through planning and technical assistance and support to entrepreneurs and existing business in the state.

2. It is the intent of the general assembly to make available and coordinate economic development services and programs to assist individuals, businesses, and communities through the Iowa economic development network.

Sec. 5. NEW SECTION. 15.303 ESTABLISHMENT OF IOWA ECONOMIC DEVELOPMENT NETWORK – DUTIES OF DIRECTOR.