

House File 830 - Introduced

HOUSE FILE 830
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 633)

A BILL FOR

1 An Act relating to the ability of elected officials to access
2 and utilize certain internet sites and including effective
3 date and applicability provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 554E.1 Definitions.

2 1. "*Company*" means and includes a person or an affiliate of
3 a person who owns or operates any of the following:

- 4 a. A massive online marketplace.
- 5 b. A massive online video sharing website.
- 6 c. A massive social networking site.

7 2. "*Elected official*" means and includes an individual
8 elected to, or appointed to fill, a federal, state, or local
9 elective office. "*Elected official*" includes candidates for a
10 federal, state, or local elective office.

11 3. "*Expressive merchandise*" means and includes any tangible
12 personal property that contains or displays a viewpoint that
13 constitutes constitutionally protected speech.

14 4. "*Governmental entity*" means and includes all of the
15 following:

- 16 a. A unit of state government in the executive, legislative,
17 or judicial branch.
- 18 b. A political subdivision of the state, including a city,
19 county, township, school district, and any other governmental
20 entity authorized to levy taxes.

21 5. "*Massive online marketplace*" means and includes an
22 internet site that meets all of the following criteria:

- 23 a. Offers tangible personal property for sale to the general
24 public.
- 25 b. Sells or facilitates the sale of expressive merchandise.
- 26 c. Had at least seventy-five million subscribers or members
27 in the United States in the previous calendar year.

28 6. "*Massive online video sharing website*" means and includes
29 an internet site that meets all of the following criteria:

- 30 a. Allows users or the public to share videos with other
31 users or the public.
- 32 b. Hosts, stores, provides, or otherwise facilitates access
33 by individuals in the United States.
- 34 c. Has at least five hundred million videos available at any
35 point in time.

1 7. "*Massive social networking website*" means and includes an
2 internet site that meets all of the following criteria:

3 a. Allows users, through the creation of pages within
4 the internet site or profiles or by other means, to provide
5 information about themselves that is available to the public
6 or to other users.

7 b. Allows users a mechanism for communication with other
8 users.

9 c. Had at least twenty million subscribers or members in the
10 United States in the previous calendar year.

11 Sec. 2. NEW SECTION. 554E.2 **Prohibition on censorship of**
12 **elected officials.**

13 1. A company shall not intentionally affect the ability
14 of an elected official to access or utilize the features of
15 the company's massive online marketplace, massive online video
16 sharing website, or massive social networking website.

17 2. If the department of revenue or the economic development
18 authority determine that a company has violated subsection
19 1, the company shall be prohibited from receiving from a
20 governmental entity any future tax credits; assistance under
21 section 15.335B; sales tax exemptions or refunds under chapter
22 423; property tax credits, exemptions, including but not
23 limited to exemptions under chapter 427, rebates, refunds,
24 reimbursements, or grants for property taxes paid; or any
25 other special benefits, until the department of revenue or the
26 economic development authority determine the company is no
27 longer in violation of subsection 1.

28 3. Nothing in this section shall be construed to prohibit
29 a company from restricting the ability of a citizen of this
30 state to view, comment, or otherwise interact with content
31 on the company's massive online marketplace, massive online
32 video sharing website, or massive social networking website
33 if the content violates the terms, conditions, or policies to
34 which a person must agree before the person is able to use the
35 company's massive online marketplace, massive online video

1 sharing website, or massive social networking website.

2 4. The department of revenue and the economic development
3 authority shall make available on their internet sites a system
4 to allow elected officials to report potential violations of
5 this chapter by a company.

6 Sec. 3. NEW SECTION. 554E.3 Rules.

7 The department of revenue and the economic development
8 authority shall adopt rules pursuant to chapter 17A to
9 administer and interpret this chapter.

10 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
11 importance, takes effect upon enactment.

12 Sec. 5. APPLICABILITY. This Act applies to all of the
13 following approved before, on, or after the effective date of
14 this Act, to the extent provided, received, or claimed by a
15 company on or after the effective date of this Act:

16 1. Tax credits.

17 2. Assistance under section 15.335B.

18 3. Sales tax exemptions or refunds under chapter 423.

19 4. Property tax credits, exemptions, including but not
20 limited to exemptions under chapter 427, rebates, refunds,
21 reimbursements, or grants for property taxes paid.

22 5. Any other special benefits to be provided by a
23 governmental entity to a company that is not otherwise
24 available to the general public.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill relates to the ability of elected officials to
29 access and utilize certain internet sites.

30 The bill creates new Code chapter 554E. The bill adds
31 several new defined terms to the Code chapter, including
32 "company", "elected official", "expressive merchandise",
33 "governmental entity", "massive online marketplace", "massive
34 online video sharing website", and "massive social networking
35 website".

1 The bill prohibits a company from intentionally affecting
2 the ability of an elected official to access or utilize
3 the company's massive online marketplace, massive online
4 video sharing website, or massive social networking website.
5 The bill provides that if the department of revenue or the
6 economic development authority determine that a company has
7 violated this prohibition, the company shall be prohibited
8 from receiving from a governmental entity any future tax
9 credits or other special benefits until the department or the
10 authority determine the company is no longer in violation of
11 the prohibition.

12 The bill establishes that nothing in the new Code chapter
13 shall be construed to prohibit a company from restricting the
14 ability of a citizen of this state to interact with content
15 on the company's massive online marketplace, massive online
16 video sharing website, or massive social networking website
17 if the content violates the policies of the massive online
18 marketplace, massive online video sharing website, or massive
19 social networking website.

20 The bill requires the department and the authority to make
21 available on their internet sites a system to allow elected
22 officials to report potential violations of the new Code
23 chapter. Additionally, the bill requires the department and
24 the authority to adopt rules to administer and interpret the
25 new Code chapter.

26 The bill takes effect upon enactment and applies to tax
27 credits and other assistance that were approved before, on, or
28 after the effective date of the bill, to the extent that they
29 are provided or claimed on or after the effective date of the
30 bill.