

**Senate File 2274 - Introduced**

SENATE FILE 2274  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3028)

**A BILL FOR**

1 An Act relating to the records of the Iowa public broadcasting  
2 board.

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

1 Section 1. Section 256.84, subsection 5, Code 2022, is  
2 amended to read as follows:

3 5. The board shall establish guidelines for and may impose  
4 and collect fees and charges for services. Fees and charges  
5 collected by the board for services shall be deposited to the  
6 credit of the division. Any interest earned on these receipts,  
7 and revenues generated under [subsection 7 6](#), shall be retained  
8 and may be expended by the division subject to the approval of  
9 the board.

10 Sec. 2. Section 256.84, Code 2022, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 12. *a.* Subject to paragraph "b", all  
13 of the public broadcasting division of the department of  
14 education's records, videos, electronic storage, documents,  
15 tapes, or other information, stored or preserved in any medium,  
16 are public records under chapter 22 and are subject to the  
17 rights of examination, copying, and dissemination as provided  
18 in section 22.2, unless the record, video, electronic storage,  
19 document, tape, or other information is deemed confidential  
20 under section 22.7.

21 *b.* The board, administrator, department, or any other  
22 person on behalf of the state shall not disseminate or release  
23 a public record identified in paragraph "a" unless the request  
24 for the public record specifies an educational, historical, or  
25 cultural purpose for the use of the public record.

26 *c.* The board, administrator, department, or any other person  
27 on behalf of the state shall not disseminate or release a  
28 public record identified in paragraph "a" for any endorsement,  
29 political purpose, or to generate a profit.

30 *d.* If a public record is disseminated or released pursuant  
31 to paragraph "b", the board, administrator, department, or  
32 any other person on behalf of the state shall not enforce any  
33 copyright, trademark, or any other intellectual property right  
34 associated with the public record if the public record was  
35 created, produced, filmed, or developed on or before December

1 31, 2009.

2 e. This subsection shall not be construed to require the  
3 board, administrator, department, or any other person on behalf  
4 of the state to violate any marketing, licensing, or other  
5 similar agreement that was in place as of January 1, 2020. If  
6 the board, administrator, department, or any other person on  
7 behalf of the state denies a request from any person pursuant  
8 to paragraph "b" to disseminate or release a public record, the  
9 board, administrator, department, or other person on behalf  
10 of the state, as applicable, shall provide to the person  
11 making the request a copy of the agreement that prohibits the  
12 record from being disseminated or released. The board's,  
13 administrator's, department's, or other person's denial of a  
14 request pursuant to this subsection shall be deemed a final  
15 agency action pursuant to section 17A.15, and if the denial is  
16 overturned by a court, the court shall order the governmental  
17 body that denied the request to pay all costs and reasonable  
18 attorney fees of the prevailing party.

19 f. An action taken by the board, administrator, department,  
20 or any other person pursuant to this subsection shall not be  
21 construed as a violation of Title XVI.

22 EXPLANATION

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

25 This bill relates to the records of the Iowa public  
26 broadcasting board (board).

27 The bill provides that revenues generated pursuant to the  
28 board's ability to make and execute agreements, contracts, and  
29 other instruments with any entity shall be retained and may  
30 be expended by the public broadcasting division subject to  
31 approval by the board.

32 The bill provides that, subject to the provisions of the  
33 bill, all of the board's records, videos, electronic storage,  
34 documents, tapes, and other information are public records  
35 pursuant to Code chapter 22 and are subject to the right of

1 examination unless the record, video, electronic storage,  
2 document, tape, or other information is confidential under Code  
3 section 22.7.

4 The bill prohibits the board, administrator of the  
5 public broadcasting division of the department of education  
6 (administrator), department of education (department), or  
7 any other person on behalf of the state from disseminating  
8 or releasing any public record specified in the bill unless  
9 the request for the public record specifies an educational,  
10 historical, or cultural purpose. The board, administrator,  
11 department, or any other person on behalf of the state shall  
12 not disseminate or release a public record for any endorsement,  
13 political purpose, or to generate a profit.

14 The bill prohibits the board, administrator, department,  
15 or any other person on behalf of the state from enforcing  
16 a copyright, trademark, or any intellectual property right  
17 associated with a public record of the board if the public  
18 record was created, filmed, or developed on or before December  
19 1, 2009.

20 The bill does not require the board, administrator,  
21 department, or any other person on behalf of the state to  
22 violate any marketing, licensing, or other similar agreement  
23 that was in place as of January 1, 2020. If the board,  
24 administrator, department, or any other person on behalf of  
25 the state denies a request to disseminate or release a public  
26 record, the board, administrator, department, or any other  
27 person on behalf of the state shall provide a copy of the  
28 agreement that prohibits the release of the record to the  
29 requestor. A decision to deny a public records request under  
30 the bill is final unless overturned by a court order.

31 The bill provides that an action taken by the board,  
32 administrator, department, or any other person on behalf of the  
33 state pursuant to the bill shall not be in violation of Code  
34 Title XVI (criminal law and procedure).