

House File 2488 - Reprinted

HOUSE FILE 2488
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 579)

(As Amended and Passed by the House March 14, 2022)

A BILL FOR

1 An Act relating to public records of the Iowa public
2 broadcasting board.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.84, Code 2022, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 12. *a.* All records primarily involving
4 a government body as defined in section 22.1, including but
5 not limited to videos, electronic storage, documents, tapes,
6 or other information, stored or preserved in any medium,
7 under the control of the public broadcasting division of the
8 department of education, shall be considered public records as
9 defined in section 22.1 and subject to the right of examination
10 as provided in section 22.2 unless the record is deemed
11 confidential under the provisions of section 22.7.

12 *b.* The board, administrator, department, or any other
13 entity on behalf of the state shall not enforce any copyright,
14 trademark, or other intellectual property right on a public
15 record identified in paragraph "a" that is created prior to
16 December 31, 2009, for requests that specify an educational,
17 historical, or cultural purpose for use of the requested public
18 record and shall not be released for any endorsement, political
19 purpose, or to generate a profit.

20 *c.* Nothing in this subsection shall be interpreted to
21 violate any marketing, licensing, or other similar agreement
22 in place as of January 1, 2020, but any public records request
23 relating to any record identified in paragraph "a" that is
24 denied by the board, administrator, department, or any other
25 entity on behalf of the state shall identify the specific
26 marketing, licensing, or other similar agreement which shall
27 also be provided to the requestor. A denial of a public
28 records request made pursuant to this subsection shall be a
29 final agency action pursuant to section 17A.15, and if the
30 denial of a public records request made pursuant to this
31 subsection is reversed by a district court, the government body
32 shall be responsible for costs and reasonable attorney fees.

33 *d.* Nothing in this subsection shall be interpreted to be a
34 violation of any criminal law enumerated under Title XVI.