HOUSE FILE 2488
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 579)

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

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

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

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

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

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

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

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

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