



[HF 2488](#) – Iowa Public Television, Records Access (LSB5345HV)
Staff Contact: Lora Vargason (515.725.2249) lora.vargason@legis.iowa.gov
Fiscal Note Version – New

Description

[House File 2488](#) requires that all of the Iowa Public Broadcasting Division's records, as detailed in the Bill, are considered public records under Iowa Code section [22.1](#) and subject to the right of examination under Iowa Code section [22.2](#) unless deemed confidential under Iowa Code section [22.7](#).

Under the Bill, the Iowa Public Broadcasting Board may not release a public record unless the request is for an educational, historical, or cultural purpose. Materials requested for these purposes that were created prior to December 31, 2009, are not to be subject to copyright, trademark, or any other intellectual property rights associated with the material. The Board may not release a public record for endorsement, political purpose, or to generate a profit. No marketing, licensing, or other similar agreement that was in place as of January 1, 2020, is interpreted to be violated to meet the requirements of the Bill.

If there is a denial of request of the use of materials, a reason for denial shall be provided to the requesting party and is to be deemed final agency action according to Iowa Code section [17A.15](#). If the denial of request of use of materials is overturned by a court, the court is to require the denying governmental body to pay all reasonable attorney fees of the prevailing party. The Bill provides that any action taken pursuant to the Bill is not to be interpreted to be a violation of Iowa Code [Title XVI](#).

Background

Iowa PBS is Iowa's statewide public broadcasting network under the authority of the Iowa Public Broadcasting Board. Iowa PBS receives an annual General Fund appropriation in the amount of \$7.9 million to support general operations. A significant portion of the organization's revenue comes from donor contributions through the Friends of Iowa PBS/Iowa PBS Foundation. Iowa PBS receives federal funding through the Corporation for Public Broadcasting as well as through other federal grants.

Iowa PBS is the legal custodian of its productions and of the copyright protecting those productions. The majority of the work created uses licensed materials that are not owned by Iowa PBS and are utilized through purchase, negotiated permissions, or negotiated use of licenses. Iowa PBS productions are protected by federal copyright law under the federal [Copyright Act](#) (17 U.S.C. 301(a)).

Assumptions

- Administrative requirements of the Bill related to the release of licensed and contracted content are estimated to increase full-time equivalent (FTE) staff costs to Iowa PBS. The needed positions are 1.0 Staff Attorney 2 position at a cost of \$104,000 including benefits; 1.0 Program Planner 2 position at a cost of \$65,000 including benefits; and 1.0 Production Technician position at a cost of \$62,000 including benefits.
- Iowa PBS received an appropriation for FY 2022 to begin the process of preservation, digitization, and cataloging of historical footage to share with the public through a web-based platform. Additional costs will be incurred to meet the expanded requirements of this Bill outside of the original scope of the project currently underway.

Fiscal Impact

[House File 2488](#) is estimated to increase ongoing costs to Iowa PBS by \$231,000. Additional costs may be incurred for the costs to maintain the process of preservation, digitization, and cataloging of footage. Iowa PBS may request an increase in General Fund appropriations for additional FTE positions.

In addition, House File 2488 may have a fiscal impact related to increased future exposure to litigation for copyright infringement, breach of contract, and damage claims; however, the number of claims is unknown.

Source

Iowa PBS

/s/ Holly M. Lyons

February 22, 2022

Doc ID 1287705

The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

www.legis.iowa.gov