

CHAPTER 1149**ECONOMIC DEVELOPMENT
FINANCIAL ASSISTANCE APPLICATIONS — CONFIDENTIALITY***H.F. 2558*

AN ACT relating to economic development by providing for the confidentiality of certain details contained in contracts and applications for financial assistance.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 15.118 CONFIDENTIALITY OF INFORMATION IN FINANCIAL ASSISTANCE APPLICATIONS.**

1. The board and the department shall give due regard to the confidentiality of certain information disclosed by applicants for financial assistance during the application process, the contract administration process, and the period following closeout of a contract in the manner described in this section.

2. All information contained in an application for financial assistance submitted to the department shall remain confidential while the department is reviewing the application, processing requests for confidentiality, negotiating with the applicant, and preparing the application for consideration by the director or the board. The department may release certain information in an application for financial assistance to a third party for technical review. If the department releases such information to a third party, the department shall ensure that the third party protects such information from public disclosure. After the department has considered a request for confidentiality, any information not deemed confidential shall be made publicly available. Any information deemed confidential by the department shall also be kept confidential during and following administration of a contract executed pursuant to a successful application.

3. The department shall consider the written request of an applicant or award recipient to keep confidential certain details of an application, a contract, or the materials submitted in support of an application or a contract. If the request includes a sufficient explanation as to why the public disclosure of such details would give an unfair advantage to competitors, the department shall keep certain details confidential. If the department elects to keep certain details confidential, the department shall release only the nonconfidential details in response to a request for records pursuant to chapter 22. If confidential details are withheld from a request for records pursuant to chapter 22, the department shall release an explanation of why the information was deemed confidential and a summary of the nature of the information withheld and the reasons for withholding it. In considering requests for confidential treatment, the department shall narrowly construe the provisions of this section in order to appropriately balance an applicant's need for confidentiality against the public's right to information about the department's activities.

4. If a request for confidentiality is denied by the department, an applicant may withdraw the application and any supporting materials, and the department shall not retain any copies of the application or supporting materials. Upon notice that an application has been withdrawn, the department shall not release a copy in response to a request for records pursuant to chapter 22.

5. The department shall adopt by rule a process for considering requests to keep information confidential pursuant to this section. The department may adopt emergency rules pursuant to chapter 17A to implement this section. The rules shall include criteria for guiding the department's decisions about the confidential treatment of applicant information. The criteria may include but are not limited to the following:

- a. The nature and extent of competition in the applicant's industry sector.
- b. The likelihood of adverse financial impact to the applicant if the information were to be released.

- c. The risk that the applicant will locate in another state if the request is denied.
- d. Any other factor the department reasonably considers relevant.

Approved May 7, 2008

CHAPTER 1150

STATE INTERAGENCY MISSOURI RIVER AUTHORITY

H.F. 2601

AN ACT providing for the state interagency Missouri river authority.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 28L.1, Code 2007, is amended to read as follows:

28L.1 STATE INTERAGENCY MISSOURI RIVER AUTHORITY CREATED — DUTIES.

1. A state interagency Missouri river authority is created. The members of the authority shall include the governor or the governor's designee, the secretary of agriculture or the secretary's designee, the chairperson of the utilities board or the chairperson's designee, and the directors of the department of natural resources, the state department of transportation, and the department of economic development or the directors' designees. The governor shall serve as chairperson. The director of the department of natural resources or the director's designee shall serve as the coordinator of the authority's activities and shall serve as chairperson in the absence of the governor.

2. The authority shall be responsible for representing the interests of this state with regard to its membership in the Missouri river basin association of states and tribes and to promote the management of the Missouri river in a manner that does not negatively impact landowners along the river or negatively impact the state's economy, and in a manner that positively impacts this state's many interests along, in, and on the river. The Missouri river basin association of states and tribes is an interstate association of government representatives formed to seek consensus solutions to issues impacting the Missouri river basin.

3. The director of the department of natural resources or the director's designee shall coordinate regular meetings of the state interagency Missouri river authority to determine the state's position before any meeting of the Missouri river association of states and tribes or before a substantive proposal or action is voted upon at such meeting. The members of the state interagency Missouri river authority shall attempt to achieve consensus on the state's position regarding any substantive proposal or action being considered by the Missouri river association of states and tribes. Regardless of whether a consensus can be achieved, a vote of the members shall be taken. The state interagency Missouri river authority shall not vote to approve or disapprove a substantive proposal or action being considered by the Missouri river basin association of states and tribes without the agreement approval of the directors of all four state departments and the chairperson of the utilities board who are a majority of the members of the authority. If a substantive proposal or action considered by the association is not approved or disapproved by all four directors and the chairperson of the utilities board, the state shall abstain from voting on the proposal or action. The director of the department of natural resources or the director's designee shall cast the votes for the state interagency Missouri river authority that are reflective of the position of the authority.

4. The state interagency Missouri river authority shall ~~meet regularly with~~ seek input from