

Senate File 2443

S-5090

1 Amend Senate File 2443 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 388.9, subsection 1, Code 2026, is
5 amended to read as follows:

6 1. Notwithstanding [section 21.5, subsection 1](#), the
7 governing body of a city utility or combined utility system,
8 or a city enterprise or combined city enterprise as defined in
9 section 384.80, by a vote of two-thirds of the members of the
10 body or all of the members present at the meeting, may hold
11 a closed session to discuss marketing and pricing strategies
12 or proprietary information if ~~its~~ the competitive position
13 of the city utility or combined utility system, other public
14 utilities, or a third party utility vendor would be harmed
15 by public disclosure and such disclosure is not required of
16 potential or actual competitors, and if no public purpose would
17 be served by such disclosure. The minutes and an audio or
18 audiovisual recording of a session closed under [this subsection](#)
19 shall be available for public examination at that point in time
20 when the public disclosure would no longer harm the utility's
21 competitive position.

22 Sec. 2. Section 388.9, subsection 2, paragraph b, Code 2026,
23 is amended to read as follows:

24 *b.* For purposes of this ~~subsection~~ section, "*proprietary*
25 *information*" includes confidential information pursuant to
26 section 22.7; customer records that if disclosed would harm
27 the competitive position of a customer or an electric utility;
28 or information required by a noncustomer contracting party to
29 be kept confidential pursuant to a nondisclosure agreement
30 which relates related to electric transmission planning
31 and construction, critical energy infrastructure, electric
32 generation capacity planning, energy markets or prices, or an
33 ownership interest or acquisition of an ownership interest in
34 an electric generating facility, including but not limited to
35 information required to be kept confidential pursuant to a

1 nondisclosure agreement, or other information made confidential
2 by law or rule.>

MIKE BOUSSELOT