

Senate Study Bill 3153 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON WEBSTER)

A BILL FOR

1 An Act related to competitive information of city utilities.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 388.9, subsection 1, Code 2026, is
2 amended to read as follows:

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

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

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

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 Under current law, the governing body of a city utility
3 or combined utility system, or a city enterprise or combined
4 city enterprise, may vote to hold a closed session to discuss
5 marketing and pricing strategies or proprietary information if
6 its competitive position would be harmed by public disclosure
7 not required of potential or actual competitors, and if no
8 public purpose would be served by such disclosure. The minutes
9 and an audio or audiovisual recording of the session shall
10 be made available for public examination once the public
11 disclosure would no longer harm the utility's competitive
12 position.

13 This bill allows for a closed session by vote to discuss
14 proprietary information or marketing and pricing strategies if
15 the competitive position of the utility or a third party would
16 be harmed by the public disclosure of the marketing and pricing
17 strategies and such disclosure is not required of potential or
18 actual competitors or other utilities.

19 "Proprietary information" is currently defined, for purposes
20 of Code section 388.9, subsection 2, as customer records
21 that if disclosed would harm the competitive position of a
22 customer, or information required by a noncustomer contracting
23 party to be kept confidential pursuant to a nondisclosure
24 agreement which relates to electric transmission planning and
25 construction, critical energy infrastructure, an ownership
26 interest or acquisition of an ownership interest in an electric
27 generating facility, or other information made confidential by
28 law or rule.

29 The bill changes the definition of "proprietary information"
30 to include customer records that if disclosed would harm the
31 competitive position of a customer or a utility; or information
32 related to electric transmission planning and construction,
33 critical energy infrastructure, electric generation capacity
34 planning, energy markets or prices, or an ownership interest or
35 acquisition of an ownership interest in an electric generating

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1 facility, including but not limited to information required to
2 be kept confidential pursuant to a nondisclosure agreement, or
3 other information made confidential by law or rule. The bill
4 applies this definition of proprietary information to all of
5 Code section 388.9.