

Senate File 2443 - Reprinted

SENATE FILE 2443
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SSB 3153)

(As Amended and Passed by the Senate March 10, 2026)

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
8 a closed session to discuss marketing and pricing strategies
9 or proprietary information if ~~its~~ the competitive position
10 of the city utility or combined utility system, other public
11 utilities, or a third party utility vendor would be harmed
12 by public disclosure and such disclosure is not required of
13 potential or actual competitors, ~~and if no public purpose would~~
14 ~~be served by such disclosure~~. The minutes and an audio or
15 audiovisual recording of a session closed under this subsection
16 shall be available for public examination at that point in time
17 when the public disclosure would no longer harm the utility's
18 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 confidential information pursuant to
23 section 22.7; customer records that if disclosed would harm
24 the competitive position of a customer or an electric utility;
25 or information ~~required by a noncustomer contracting party to~~
26 ~~be kept confidential pursuant to a nondisclosure agreement~~
27 ~~which relates~~ related to electric transmission planning
28 and construction, critical energy infrastructure, electric
29 generation capacity planning, energy markets or prices, or an
30 ownership interest or acquisition of an ownership interest in
31 an electric generating facility, including but not limited to
32 information required to be kept confidential pursuant to a
33 nondisclosure agreement, or other information made confidential
34 by law or rule.