SENATE FILE 2443
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SSB 3153)

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

[= New Language by the Senate

A BILL FOR

An Act related to competitive information of city utilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

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