

By: Cook of Colorado

H.B. No. 3037

A BILL TO BE ENTITLED

AN ACT

relating to energy aggregation by political subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 304.002, Local Government Code, is amended by amending Subsection (a) and adding Subsections (b-1), (b-2), and (d) to read as follows:

(a) A political subdivision aggregator may negotiate for the purchase of electricity and energy services, make contracts for the purchase of electricity and energy services, and take any other action necessary to purchase electricity and energy services on behalf of the citizens of the political subdivision[~~. The citizens must affirmatively request to be included in the aggregation services by the political subdivision aggregator~~].

(b-1) A political subdivision may not finally adopt an ordinance or resolution providing for automatic enrollment of citizens of the political subdivision in aggregation services unless a majority of the qualified voters of the political subdivision voting in an election called and held for that purpose approve the automatic enrollment. The governing body of the political subdivision may call the election. The election must be held in accordance with the Election Code.

(b-2) If a majority of the qualified voters of the political subdivision voting in the election approve automatic enrollment of the citizens in aggregation services, the political subdivision

1 shall send to each citizen by mail a written notice that the citizen
2 will be automatically enrolled unless the citizen expressly
3 requests to not be enrolled.

4 (d) An affiliated retail electric provider shall provide to
5 a political subdivision any information the political subdivision
6 considers necessary to solicit or administer an aggregation program
7 under this section, including the name, address, electric service
8 identifier, and monthly usage of each residential customer who
9 resides in the political subdivision. The consent of a customer may
10 not be required as a condition of providing information to a
11 political subdivision under this subsection. The political
12 subdivision may provide to a third party or an aggregator
13 information received under this subsection, but only for the
14 purpose of bidding on, implementing, and administering the
15 aggregation program.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.