Bernal, Howard, Lopez, Minjarez, By:

H.B. No. 872

Hernandez

Substitute the following for H.B. No. 872:

C.S.H.B. No. 872 By: Paddie

	A BILL TO BE ENTITLED
1	AN ACT
2	relating to the disclosure of certain utility customer information.
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
4	SECTION 1. Subchapter C, Chapter 552, Government Code, is
5	amended by adding Section 552.1331 to read as follows:
6	Sec. 552.1331. EXCEPTION: CERTAIN GOVERNMENT-OPERATED
7	UTILITY CUSTOMER INFORMATION. (a) In this section:
8	(1) "Advanced metering system" means a utility
9	metering system that collects data at regular intervals through the
10	use of an automated wireless or radio network.
11	(2) "Government-operated utility" has the meaning
12	assigned by Section 182.051, Utilities Code.

- 1 12
- (b) Except as provided by Subsection (c) of this section and 13 Section 182.052, Utilities Code, information maintained by a 14
- government-operated utility is excepted from the requirements of 15
- Section 552.021 if it is information that: 16
- 17 (1) is collected as part of an advanced metering
- system for usage, services, and billing, including amounts billed 18
- or collected for utility usage; or 19
- 20 (2) reveals whether:
- 21 (A) an account is delinquent or eligible for
- 22 disconnection; or
- (B) services have been discontinued by the 23
- 24 government-operated utility.

- 1 (c) A government-operated utility must disclose information
- 2 described by Subsection (b)(1) to a customer of the utility or a
- 3 designated representative of the customer on written request if the
- 4 information directly relates to utility services provided to the
- 5 customer and is not confidential under law.
- 6 SECTION 2. The heading to Subchapter B, Chapter 182,
- 7 Utilities Code, is amended to read as follows:
- 8 SUBCHAPTER B. DISCLOSURE [CONFIDENTIALITY] OF CUSTOMER
- 9 INFORMATION
- SECTION 3. The heading to Section 182.052, Utilities Code,
- 11 is amended to read as follows:
- 12 Sec. 182.052. DISCLOSURE [CONFIDENTIALITY] OF PERSONAL
- 13 INFORMATION.
- 14 SECTION 4. Sections 182.052(a), (b), (c), and (d),
- 15 Utilities Code, are amended to read as follows:
- 16 (a) Except as provided by Section 182.054, a
- 17 government-operated utility may not disclose personal information
- 18 in a customer's account record, or any information relating to the
- 19 volume or units of utility usage or the amounts billed to or
- 20 collected from the individual for utility usage, unless [if] the
- 21 customer requests that the government-operated utility $\underline{\text{disclose}}$
- 22 [keep] the information [confidential]. However, a
- 23 government-operated utility may disclose information related to
- 24 the customer's volume or units of utility usage per billing cycle
- 25 [or amounts billed to or collected from the individual for utility
- 26 usage] if the primary source of water for such utility was a
- 27 sole-source designated aquifer.

- 1 (b) A customer may request <u>disclosure</u> of information
- 2 described by Subsection (a) [confidentiality] by delivering to the
- 3 government-operated utility an appropriately marked form provided
- 4 under Subsection (c)(2) $[\frac{(c)(3)}{3}]$ or any other written request for
- 5 disclosure [confidentiality].
- 6 (c) A government-operated utility shall include with a bill
- 7 sent to each customer or shall post on the utility's Internet
- 8 website:
- 9 (1) a notice of the customer's right to request
- 10 <u>disclosure</u> [confidentiality] under this <u>section</u> [subchapter]; and
- 11 (2) [a statement of the amount of any fee applicable to
- 12 the request; and
- [(3)] a form by which the customer may request
- 14 disclosure [confidentiality] by marking an appropriate box on the
- 15 form and returning it to the government-operated utility, either by
- 16 mail or electronically.
- 17 (d) A customer may rescind a request for disclosure under
- 18 this section [confidentiality] by providing the
- 19 government-operated utility <u>a</u> written <u>request to withhold the</u>
- 20 customer's [permission to disclose] personal information beginning
- 21 on the date the utility receives the request.
- SECTION 5. Section 13.043(b-2), Water Code, is amended to
- 23 read as follows:
- (b-2) Unless $[\frac{1}{1}]$ a ratepayer has requested that a
- 25 municipally owned utility disclose [keep] the ratepayer's personal
- 26 information [confidential] under Section 182.052, Utilities Code,
- 27 the municipally owned utility may not disclose the address of the

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- 1 ratepayer under Subsection (b-1)(2).
- 2 SECTION 6. Section 182.053, Utilities Code, is repealed.
- 3 SECTION 7. Section 552.1331, Government Code, as added by
- 4 this Act, applies only to a request for public information received
- 5 by a governmental body or officer for public information on or after
- 6 the effective date of this Act.
- 7 SECTION 8. This Act takes effect immediately if it receives
- 8 a vote of two-thirds of all the members elected to each house, as
- 9 provided by Section 39, Article III, Texas Constitution. If this
- 10 Act does not receive the vote necessary for immediate effect, this
- 11 Act takes effect September 1, 2021.