

1-1 By: Bernal, et al. (Senate Sponsor - Menéndez) H.B. No. 872
 1-2 (In the Senate - Received from the House April 21, 2021;
 1-3 May 12, 2021, read first time and referred to Committee on Business
 1-4 & Commerce; May 19, 2021, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the disclosure of certain utility customer information.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subchapter C, Chapter 552, Government Code, is
 1-22 amended by adding Section 552.1331 to read as follows:

1-23 Sec. 552.1331. EXCEPTION: CERTAIN GOVERNMENT-OPERATED
 1-24 UTILITY CUSTOMER INFORMATION. (a) In this section:

1-25 (1) "Advanced metering system" means a utility
 1-26 metering system that collects data at regular intervals through the
 1-27 use of an automated wireless or radio network.

1-28 (2) "Government-operated utility" has the meaning
 1-29 assigned by Section 182.051, Utilities Code.

1-30 (b) Except as provided by Subsection (c) of this section and
 1-31 Section 182.052, Utilities Code, information maintained by a
 1-32 government-operated utility is excepted from the requirements of
 1-33 Section 552.021 if it is information that:

1-34 (1) is collected as part of an advanced metering
 1-35 system for usage, services, and billing, including amounts billed
 1-36 or collected for utility usage; or

1-37 (2) reveals whether:

1-38 (A) an account is delinquent or eligible for
 1-39 disconnection; or

1-40 (B) services have been discontinued by the
 1-41 government-operated utility.

1-42 (c) A government-operated utility must disclose information
 1-43 described by Subsection (b)(1) to a customer of the utility or a
 1-44 representative of the customer if the information directly relates
 1-45 to utility services provided to the customer and is not
 1-46 confidential under law.

1-47 SECTION 2. The heading to Subchapter B, Chapter 182,
 1-48 Utilities Code, is amended to read as follows:

1-49 SUBCHAPTER B. DISCLOSURE [~~CONFIDENTIALITY~~] OF CUSTOMER
 1-50 INFORMATION

1-51 SECTION 3. The heading to Section 182.052, Utilities Code,
 1-52 is amended to read as follows:

1-53 Sec. 182.052. DISCLOSURE [~~CONFIDENTIALITY~~] OF PERSONAL
 1-54 INFORMATION.

1-55 SECTION 4. Sections 182.052(a), (b), (c), and (d),
 1-56 Utilities Code, are amended to read as follows:

1-57 (a) Except as provided by Section 182.054, a
 1-58 government-operated utility may not disclose personal information
 1-59 in a customer's account record, or any information relating to the
 1-60 volume or units of utility usage or the amounts billed to or
 1-61 collected from the individual for utility usage, unless [~~if~~] the

2-1 customer requests that the government-operated utility disclose
2-2 ~~[keep]~~ the information ~~[confidential]~~. ~~[However, a~~
2-3 ~~government-operated utility may disclose information related to~~
2-4 ~~the customer's volume or units of utility usage or amounts billed to~~
2-5 ~~or collected from the individual for utility usage if the primary~~
2-6 ~~source of water for such utility was a sole-source designated~~
2-7 ~~aquifer.]~~

2-8 (b) A customer may request disclosure of information
2-9 described by Subsection (a) ~~[confidentiality]~~ by delivering to the
2-10 government-operated utility an appropriately marked form provided
2-11 under Subsection (c)(2) ~~[(c)(3)]~~ or any other written request for
2-12 disclosure ~~[confidentiality]~~.

2-13 (c) A government-operated utility shall include with a bill
2-14 sent to each customer or shall post on the utility's Internet
2-15 website:

2-16 (1) a notice of the customer's right to request
2-17 disclosure ~~[confidentiality]~~ under this section ~~[subchapter]~~; and

2-18 (2) ~~[a statement of the amount of any fee applicable to~~
2-19 ~~the request, and~~

2-20 ~~[(3)]~~ a form by which the customer may request
2-21 disclosure ~~[confidentiality]~~ by marking an appropriate box on the
2-22 form and returning it to the government-operated utility, either by
2-23 mail or electronically.

2-24 (d) A customer may rescind a request for disclosure under
2-25 this section ~~[confidentiality]~~ by providing the
2-26 government-operated utility a written request to withhold the
2-27 customer's ~~[permission to disclose]~~ personal information beginning
2-28 on the date the utility receives the request.

2-29 SECTION 5. Section 13.043(b-2), Water Code, is amended to
2-30 read as follows:

2-31 (b-2) Unless ~~[If]~~ a ratepayer has requested that a
2-32 municipally owned utility disclose ~~[keep]~~ the ratepayer's personal
2-33 information ~~[confidential]~~ under Section 182.052, Utilities Code,
2-34 the municipally owned utility may not disclose the address of the
2-35 ratepayer under Subsection (b-1)(2).

2-36 SECTION 6. Section 182.053, Utilities Code, is repealed.

2-37 SECTION 7. Section 552.1331, Government Code, as added by
2-38 this Act, applies only to a request for public information received
2-39 by a governmental body or officer for public information on or after
2-40 the effective date of this Act.

2-41 SECTION 8. This Act takes effect immediately if it receives
2-42 a vote of two-thirds of all the members elected to each house, as
2-43 provided by Section 39, Article III, Texas Constitution. If this
2-44 Act does not receive the vote necessary for immediate effect, this
2-45 Act takes effect September 1, 2021.

2-46 * * * * *