

SENATE AMENDMENTS

2nd Printing

By: Bernal, Howard, Lopez, Minjarez,
Hernandez

H.B. No. 872

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.

13 (b) Except as provided by Subsection (c) of this section and
14 Section 182.052, Utilities Code, information maintained by a
15 government-operated utility is excepted from the requirements of
16 Section 552.021 if it is information that:

17 (1) is collected as part of an advanced metering
18 system for usage, services, and billing, including amounts billed
19 or collected for utility usage; or

20 (2) reveals whether:

21 (A) an account is delinquent or eligible for
22 disconnection; or

23 (B) services have been discontinued by the
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 representative of the customer if the information directly relates
4 to utility services provided to the customer and is not
5 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

10 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 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 or amounts billed to~~
25 ~~or collected from the individual for utility usage if the primary~~
26 ~~source of water for such utility was a sole-source designated~~
27 ~~aquifer.~~]

1 (b) A customer may request disclosure 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) [~~(c)(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 disclosure [~~confidentiality~~] under this section [~~subchapter~~]; and

11 (2) [~~a statement of the amount of any fee applicable to~~
12 ~~the request, and~~

13 [~~(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 a written request to withhold the
20 customer's [~~permission to disclose~~] personal information beginning
21 on the date the utility receives the request.

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

24 (b-2) Unless [~~If~~] 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

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.

ADOPTED

MAY 21 2021

BY:

FLOOR AMENDMENT NO. 1

Lately Spaw
Secretary of the Senate

Qui M...

1 Amend H.B. No. 872 (senate committee printing) by striking
2 all below the enacting clause and substituting the following:

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

5 Sec. 552.1331. EXCEPTION: CERTAIN GOVERNMENT-OPERATED
6 UTILITY CUSTOMER INFORMATION. (a) In this section:

7 (1) "Advanced metering system" means a utility metering
8 system that collects data at regular intervals through the use of
9 an automated wireless or radio network.

10 (2) "Government-operated utility" has the meaning
11 assigned by Section 182.051, Utilities Code.

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

19 (2) reveals whether:

20 (A) an account is delinquent or eligible for
21 disconnection; or

22 (B) services have been discontinued by the
23 government-operated utility.

24 (c) A government-operated utility must disclose information
25 described by Subsection (b)(1) to a customer of the utility or a
26 representative of the customer if the information directly relates
27 to utility services provided to the customer and is not
28 confidential under law.

29 SECTION 2. The heading to Subchapter B, Chapter 182,
1 21.141.556 BEF

1 Utilities Code, is amended to read as follows:

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3 INFORMATION

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5 is amended to read as follows:

6 Sec. 182.052. DISCLOSURE [~~CONFIDENTIALITY~~] OF PERSONAL
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9 Code, are amended to read as follows:

10 (a) Except as provided by Section 182.054, a government-
11 operated utility may not disclose personal information in a
12 customer's account record, or any information relating to the
13 volume or units of utility usage or the amounts billed to or
14 collected from the individual for utility usage, unless [~~if~~] the
15 customer requests that the government-operated utility disclose
16 [~~keep~~] the information [~~confidential~~]. [~~However, a government-~~
17 ~~operated utility may disclose information related to the~~
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19 ~~or collected from the individual for utility usage if the primary~~
20 ~~source of water for such utility was a sole source designated~~
21 ~~aquifer.~~]

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23 described by Subsection (a) [~~confidentiality~~] by delivering to the
24 government-operated utility an appropriately marked form provided
25 under Subsection (c)(2) [~~(e)(3)~~] or any other written request for
26 disclosure [~~confidentiality~~].

27 (c) A government-operated utility shall include with a bill
28 sent to each customer or shall post on the utility's Internet
29 website:

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

1 (2) ~~[a statement of the amount of any fee applicable to~~
2 ~~the request; and~~

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

7 (d) A customer may rescind a request for disclosure under
8 this section ~~[confidentiality]~~ by providing the government-
9 operated utility a written request to withhold the customer's
10 ~~[permission to disclose]~~ personal information beginning on the
11 date the utility receives the request.

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

14 (b-2) Unless ~~[[if]]~~ a ratepayer has requested that a
15 municipally owned utility disclose ~~[keep]~~ the ratepayer's personal
16 information ~~[confidential]~~ under Section 182.052, Utilities Code,
17 the municipally owned utility may not disclose the address of the
18 ratepayer under Subsection (b-1)(2).

19 SECTION 6. Section 182.053, Utilities Code, is repealed.

20 SECTION 7. Section 552.1331, Government Code, as added by
21 this Act, applies only to a request for public information received
22 by a governmental body or officer for public information on or
23 after the effective date of this Act.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 23, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB872 by Bernal (Relating to the disclosure of certain utility customer information.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to the disclosure of certain utility customer information could be absorbed using existing resources.

Local Government Impact

El Paso County which operates the East Montana Water System, does not anticipate a significant fiscal impact.

Taylor county has no "government-operated utility" operations and therefore does not anticipate a fiscal impact.

The Texas Municipal League does not anticipate a significant fiscal impact to municipalities.

Source Agencies:

LBB Staff: JMc, LBO, SZ, MB, RRE, SMAT, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB872 by Bernal (Relating to the disclosure of certain utility customer information.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to the disclosure of certain utility customer information could be absorbed using existing resources.

Local Government Impact

El Paso County which operates the East Montana Water System, does not anticipate a significant fiscal impact.

Taylor county has no "government-operated utility" operations and therefore does not anticipate a fiscal impact.

The Texas Municipal League does not anticipate a significant fiscal impact to municipalities.

Source Agencies:

LBB Staff: JMc, SZ, MB, RRE, SMAT, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 9, 2021

TO: Honorable Chris Paddie, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB872 by Bernal (relating to the disclosure of certain utility customer information.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to the disclosure of certain utility customer information could be absorbed using existing resources.

Local Government Impact

El Paso County which operates the East Montana Water System, does not anticipate a significant fiscal impact.

Taylor county has no "government-operated utility" operations and therefore does not anticipate a fiscal impact.

The Texas Municipal League does not anticipate a significant fiscal impact to municipalities.

Source Agencies:

LBB Staff: JMc, SMAT, MB, RRE, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 31, 2021

TO: Honorable Chris Paddie, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB872 by Bernal (Relating to the confidentiality of certain government operated utility customer information.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to the confidentiality of certain government operated utility customer information could be absorbed using existing resources.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 304 Comptroller of Public Accounts, 473 Public Utility Commission of Texas, 475 Office of Public Utility Counsel

LBB Staff: JMc, SMAT, MB, RRE