

House Bill 872
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

(2) reveals whether:

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

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

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

SENATE VERSION (IE)

(Unless otherwise indicated, all SECTIONS below are from FA1)

SECTION 1. Same as House version.

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

SUBCHAPTER B. DISCLOSURE [~~CONFIDENTIALITY~~]
OF CUSTOMER INFORMATION

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

Sec. 182.052. DISCLOSURE [~~CONFIDENTIALITY~~] OF
PERSONAL INFORMATION.

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

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

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

SENATE VERSION (IE)

(Unless otherwise indicated, all SECTIONS below are from FA1)

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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

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

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

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

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

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

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

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

SECTION 5. Same as House version.

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

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

SENATE VERSION (IE)

(Unless otherwise indicated, all SECTIONS below are from FA1)

SECTION 7. Same as House version.

SECTION 8. Same as House version.

CONFERENCE