CHAPTER 122. TREATMENT AND RECYCLING FOR BENEFICIAL USE OF CERTAIN OIL AND GAS WASTE

Sec. 122.001. DEFINITIONS. In this chapter:

(1) “Commission” means the Railroad Commission of Texas.

(2) “Fluid oil and gas waste” means waste containing salt or other mineralized substances, brine, hydraulic fracturing fluid, flowback water, produced water, or other fluid that arises out of or is incidental to the drilling for or production of oil or gas.

Sec. 122.002. OWNERSHIP OF CERTAIN OIL AND GAS WASTE TRANSFERRED FOR TREATMENT AND SUBSEQUENT BENEFICIAL USE. Unless otherwise expressly provided by a contract, bill of sale, or other legally binding document:

(1) when fluid oil and gas waste is transferred to a person who takes possession of that waste for the purpose of treating the waste for a subsequent beneficial use, the transferred material is considered to be the property of the person who takes possession of it for the purpose of treating the waste for subsequent beneficial use until the person transfers the waste or treated waste to another person for disposal or use; and

(2) when a person who takes possession of fluid oil and gas waste for the purpose of treating the waste for a subsequent beneficial use transfers possession of the treated product or any treatment byproduct to another person for the purpose of subsequent disposal or beneficial use, the transferred product or byproduct is considered to be the property of the person to whom the material is transferred.

Sec. 122.003. RESPONSIBILITY IN TORT. (a) Except as provided by Subsection (b), a person who takes possession of fluid oil and gas waste, produces from that waste a treated product generally considered in the oil and gas industry to be suitable for use in connection with the drilling for or production of oil or gas, and transfers the treated product to another person with the contractual understanding that the treated product will be used in connection with the drilling for or production of oil or gas is not liable in tort for a consequence of the subsequent use of that treated product by the person to whom the treated product is transferred or by another person.

(b) This section does not affect the liability of a person that treats fluid oil and gas waste for beneficial use in an action brought by a person for damages for personal injury, death, or property damage arising from exposure to fluid oil and gas waste or a treated product.

Sec. 122.004. COMMISSION RULES FOR TREATMENT AND BENEFICIAL USE. The commission shall adopt rules to govern the treatment and beneficial use of oil and gas waste.

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on May 9, 2013: Yeas 137, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved May 28, 2013.

Effective September 1, 2013.

CHAPTER 210

S.B. No. 259

AN ACT relating to telecommunications services and markets.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 52.007, Utilities Code, is amended by adding Subsections (d-1), (d-2), and (d-3) to read as follows:

(d-1) The commission may not require a nondominant carrier to obtain advance approval for a filing with the commission or a posting on the nondominant carrier's Internet...
website that adds, modifies, withdraws, or grandfathers a retail service or the service's rates, terms, or conditions.

(d-2) In this subsection, "deregulated company" and "transitioning company" have the meanings assigned by Section 65.002. The commission may not require a deregulated company or transitioning company to obtain advance approval for a filing with the commission or a posting on the company's Internet website that adds, modifies, withdraws, or grandfathers:

(1) a nonbasic retail service or the service's rates, terms, or conditions; or
(2) for a market that has been deregulated, a basic network service or the service's rates, terms, or conditions.

(d-3) Unless an interconnection agreement contract specifies otherwise, an incumbent local exchange carrier shall continue to provide to affected resellers of retail services the same notice of rate changes or withdrawal of detariffed services that it was required to provide prior to detariffing.

SECTION 2. Section 52.154, Utilities Code, is amended to read as follows:

Sec. 52.154. COMMISSION MAY NOT OVERBURDEN. The commission may not, by a rule or regulatory practice adopted under this chapter, impose on a nondominant telecommunications utility a greater regulatory burden than is imposed on:

(1) a holder of a certificate of convenience and necessity serving the same area; or
(2) a deregulated company, as defined by Section 65.002, that:
   (A) has 500,000 or more access lines in service at the time it becomes a deregulated company; or
   (B) serves an area also served by the nondominant telecommunications utility [serving the same area].

SECTION 3. Subchapter E, Chapter 58, Utilities Code, is amended by adding Section 58.156 to read as follows:

Sec. 58.156. REGULATION OF SERVICES. Sections 55.001, 55.002, 55.003, and 55.004 do not apply to retail nonbasic services offered by an electing company or by a transitioning company, as defined by Section 65.002.

SECTION 4. Section 65.101, Utilities Code, is amended by adding Subsection (c) to read as follows:

(c) A deregulated company that holds a certificate of operating authority is a nondominant carrier.

SECTION 5. Section 65.102, Utilities Code, is amended to read as follows:

Sec. 65.102. REQUIREMENTS. (a) A deregulated company that holds a certificate of operating authority issued under this subchapter:

(1) is a nondominant carrier governed in the same manner as a holder of a certificate of operating authority issued under Chapter 54;
(2) is not required to:
   (A) fulfill the obligations of a provider of last resort;
   (B) comply with retail quality of service standards or reporting requirements;
   (C) file an earnings report with the commission unless the company is receiving support from the Texas High Cost Universal Service Plan; or
   (D) comply with a pricing requirement other than a requirement prescribed by this subchapter; and
(3) is subject to the following provisions in the same manner as an incumbent local exchange company that is not deregulated:
   (A) Sections 54.156, 54.158, and 54.159;
   (B) Section 55.012; and
   (C) Chapter 60.
(b) Notwithstanding any other provision of this title, the commission has only the authority provided by this section over a deregulated company that holds a certificate of operating authority issued under this subchapter. Subject to Subsection (c), the following provisions apply to a deregulated company and may be enforced by the commission using the remedies provided by Subchapter B, Chapter 15, and Subsection (d):

1. Subchapter A, Chapter 15;
2. Subchapters A, C, and D, Chapter 17, as applicable to carriers holding a certificate of operating authority;
3. Sections 52.007, 52.060, and 52.156;
5. Sections 55.010, 55.015, 55.123, 55.133, 55.134, 55.135, 55.136, and 55.137;
6. Chapter 56, except Subchapters F and G;
7. Chapter 60;
8. Chapter 65;
9. Subchapter E, Chapter 64;
10. Sections 65.001, 65.002, 65.003, and 65.004, this subchapter, and Subchapter E of this chapter; and
11. Chapter 66.

(c) Nothing in this subchapter affects the continuing applicability of the following provisions of this title:

1. Sections 51.003 and 51.010(c);
2. Section 52.002(d);
3. Sections 54.204, 54.205, and 54.206; and
4. Section 65.051.

(d) The commission may hear complaints of retail and wholesale customers against deregulated companies that are in the scope of the commission’s authority provided by this section. [Except as provided by Subsection (e), in each deregulated market, a deregulated company shall make available to all residential customers uniformly throughout that market the same price, terms, and conditions for all basic and non-basic services, consistent with any pricing flexibility available to such company.

(e) A deregulated company may offer to an individual residential customer a promotional offer that is not available uniformly throughout the market if the company makes the offer through a medium other than direct mail or mass electronic media and the offer is intended to retain or obtain a customer.

SECTION 6. Section 55.012, Utilities Code, is repealed.

SECTION 7. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 15, 2013: Yeas 145, Nays 0, two present not voting.

Approved May 20, 2013.

Effective September 1, 2013.

CHAPTER 211

H.B. No. 5

AN ACT
relating to public school accountability, including assessment, and curriculum requirements; providing a criminal penalty.

Be it enacted by the Legislature of the State of Texas:

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