

1-1 By: Hughes S.B. No. 1186
1-2 (In the Senate - Filed February 24, 2023; March 9, 2023,
1-3 read first time and referred to Committee on Natural Resources &
1-4 Economic Development; April 11, 2023, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; April 11, 2023, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|------------------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | <u>Birdwell</u> | X | | |
| 1-10 | <u>Zaffirini</u> | X | | |
| 1-11 | <u>Alvarado</u> | X | | |
| 1-12 | <u>Blanco</u> | X | | |
| 1-13 | <u>Hancock</u> | X | | |
| 1-14 | <u>Hughes</u> | X | | |
| 1-15 | <u>Kolkhorst</u> | X | | |
| 1-16 | <u>Miles</u> | X | | |
| 1-17 | <u>Sparks</u> | X | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1186 By: Hughes

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the regulation by the Railroad Commission of Texas of
1-22 brine mining.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 27.036, Water Code, as added by Chapter
1-25 921 (H.B. 1867), Acts of the 69th Legislature, Regular Session,
1-26 1985, is amended to read as follows:

1-27 Sec. 27.036. JURISDICTION OVER BRINE MINING. (a) In this
1-28 section:

1-29 (1) "Brine mining" means the production of brine,
1-30 including naturally occurring brine and brine extracted by the
1-31 solution of a subsurface salt formation, for the purpose of
1-32 extracting from a subsurface formation elements, salts, or other
1-33 useful substances, not including:

1-34 (A) oil, gas, or any product of oil or gas as
1-35 defined by Section 85.001, Natural Resources Code; or

1-36 (B) fluid oil and gas waste, as defined by
1-37 Section 122.001, Natural Resources Code.

1-38 (2) "Class V brine injection well" means a well that
1-39 injects spent, naturally occurring brine produced by a brine mining
1-40 operation into the same formation from which it was withdrawn after
1-41 extraction of elements, salts, or other useful substances,
1-42 including halogens or halogen salts.

1-43 (b) The railroad commission has jurisdiction over brine
1-44 mining and may issue permits for brine production wells and
1-45 injection wells used for brine mining.

1-46 (c) ~~(b)~~ A person may not begin to drill an injection well
1-47 to be used for brine mining unless that person has a valid permit
1-48 for the well issued by the railroad commission under this chapter.

1-49 (d) ~~(c)~~ The railroad commission shall adopt rules that
1-50 are necessary to administer and regulate brine mining.

1-51 (e) ~~(d)~~ For purposes of regulation by the railroad
1-52 commission, an injection well for brine mining of brine extracted
1-53 by the solution of a subsurface salt formation is designated as a
1-54 Class III well under the underground injection control program
1-55 administered by the railroad commission.

1-56 (f) For purposes of regulation by the railroad commission, a
1-57 Class V brine injection well is designated as a Class V well under
1-58 the underground injection control program administered by the
1-59 railroad commission.

1-60 (g) If rules or regulations adopted to govern Class V brine

2-1 injection wells under the federal Safe Drinking Water Act (42
2-2 U.S.C. Section 300f et seq.) or another federal statute allow this
2-3 state to seek primary enforcement authority under the underground
2-4 injection control program, the railroad commission shall seek
2-5 primacy to administer and enforce the program for Class V brine
2-6 injection wells in this state.

2-7 (h) On delegation to the railroad commission of primary
2-8 enforcement authority in this state over Class V brine injection
2-9 wells, a person may not begin to drill a Class V brine injection
2-10 well unless that person has a valid permit for the well issued by
2-11 the railroad commission under this chapter.

2-12 ~~[(e) This section takes effect September 1, 1985.]~~

2-13 ~~[(f) This section does not invalidate any permit for an~~
2-14 ~~injection well used for brine mining that was issued by the Texas~~
2-15 ~~Water Commission before the effective date of this section. Within~~
2-16 ~~90 days after the effective date of this section, the Railroad~~
2-17 ~~Commission of Texas shall issue a substitute permit under the name~~
2-18 ~~and authority of the railroad commission to each person who on the~~
2-19 ~~effective date of this section holds a valid permit issued by the~~
2-20 ~~Texas Water Commission for an injection well used for brine mining.~~

2-21 ~~[(g) Application for injection well permits covering brine~~
2-22 ~~mining submitted to the Texas Water Commission before the effective~~
2-23 ~~date of this section for which permits have not been issued by the~~
2-24 ~~commission shall be transmitted to the railroad commission.]~~

2-25 SECTION 2. Section 27.036, Water Code, as added by Chapter
2-26 795 (S.B. 249), Acts of the 69th Legislature, Regular Session,
2-27 1985, is repealed.

2-28 SECTION 3. This Act takes effect immediately if it receives
2-29 a vote of two-thirds of all the members elected to each house, as
2-30 provided by Section 39, Article III, Texas Constitution. If this
2-31 Act does not receive the vote necessary for immediate effect, this
2-32 Act takes effect September 1, 2023.

2-33 * * * * *