

By: Curry

H.B. No. 262

A BILL TO BE ENTITLED

AN ACT

relating to the production and ownership of brine.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle D, Title 3, Natural Resources Code, is amended by adding Chapter 124 to read as follows:

CHAPTER 124. OWNERSHIP OF BRINE MINERALS

Sec. 124.001. DEFINITION. In this chapter, "brine minerals" means the interstitial particles and solutes suspended, dissolved, or otherwise contained in brine, including bromine, magnesium, potassium, lithium, boron, chlorine, iodine, calcium, strontium, sodium, sulfur, barium, sodium chloride, and other minerals, chemical elements, compounds, or products produced with or extracted from brine.

Sec. 124.002. OWNERSHIP OF BRINE MINERALS. Except as otherwise expressly provided by a conveyance, contract, deed, reservation, exception, limitation, lease, assignment, or other binding obligation, the owner of the mineral estate of the land owns the brine minerals below the surface of the land as real property and is responsible for protecting the correlative rights of other owners.

SECTION 2. Section 27.002, Water Code, is amended by adding Subdivision (26) to read as follows:

(26) "Brine" means a subterranean liquid or semiliquid of varying salinities and the interstitial particles and solutes

suspended, dissolved, or otherwise contained in the liquid or semiliquid, including the brine minerals, as defined by Section 124.001, Natural Resources Code. The term does not include groundwater, as defined by Section 36.001(5), surface water, as described by Section 11.021(a), fluid oil and gas waste, as defined by Section 122.001, Natural Resources Code, or oil, gas, or a product of oil or gas, as defined by Section 85.001, Natural Resources Code.

SECTION 3. Sections 27.036(a) and (d), Water Code, are amended to read as follows:

(a) In this section:

(1) "Brine mining" means the production of brine, including naturally occurring brine and brine extracted by the solution of a subsurface salt formation, for the purpose of extracting from a subsurface formation brine minerals, elements, salts, interstitial particles and solutes in the liquid or produced from the liquid, or other useful substances~~[, not including:~~

~~[(A) oil, gas, or any product of oil or gas as defined by Section 85.001, Natural Resources Code, or~~

~~[(B) fluid oil and gas waste, as defined by Section 122.001, Natural Resources Code].~~

(2) "Class V brine injection well" means a well that injects spent, naturally occurring brine produced by a brine mining operation into the same formation from which it was withdrawn after the processing and extraction of brine minerals, elements, salts, interstitial particles and solutes in the liquid or produced from the liquid, or other useful substances, including halogens or

1 halogen salts.

2 (d) The railroad commission shall adopt rules that are
3 necessary to administer and regulate brine mining, including rules
4 establishing reporting requirements for operators of brine
5 production wells and injection wells used for brine mining.

6 SECTION 4. This Act takes effect on the 91st day after the
7 last day of the legislative session.