

By: Hughes

S. B. No. 1763

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the production and ownership of brine.

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

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

## CHAPTER 124. OWNERSHIP OF BRINE MINERALS

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

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

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

1 suspended, dissolved, or otherwise contained in the liquid or  
2 semiliquid, including the brine minerals, as defined by Section  
3 124.001, Natural Resources Code. The term does not include  
4 groundwater, as defined by Section 36.001(5), surface water, as  
5 described by Section 11.021(a), fluid oil and gas waste, as defined  
6 by Section 122.001, Natural Resources Code, or oil, gas, or a  
7 product of oil or gas, as defined by Section 85.001, Natural  
8 Resources Code.

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

11 (a) In this section:

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

18 ~~[(A) oil, gas, or any product of oil or gas as~~  
19 ~~defined by Section 85.001, Natural Resources Code, or~~  
20 ~~[(B) fluid oil and gas waste, as defined by~~  
21 ~~Section 122.001, Natural Resources Code].~~

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

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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 September 1, 2025.