

2nd Sub. S.B. 21 Geothermal Amendments

Senate Amendments

Amendment 1

February 23, 2026 02:17 PM

Senator **Michael K. McKell** proposes the following amendments:

1. *Line 127 through 135:*

127 chapter.

128 (1) Ownership of a geothermal resource derives from an interest in the surface of land[-and
129 not from an appropriative right to geothermal fluids].

(2) A person that owns the surface of the land also owns title to the geothermal resources, notwithstanding the severance or conveyance of the mineral estate, unless the person that owns the surface of the land expressly conveys or reserves a geothermal resource by a recorded deed or other instrument conveying title.

130 { **(2) A person that owns the surface of the land also owns title to the geothermal resource,**
}

131 { **even if the mineral estate is severed, unless the right to the geothermal resource is** }

132 { **expressly reserved by a conveyance, contract, deed, lease, or other binding obligation.** }

133 (3) (a) Subsections (1) and (2) do not apply to school and institutional trust lands as
134 defined in Section 53C-1-103.

135 (b) Section 53C-2-401 governs the reservation of a geothermal resource in school and

2. *Line 137 through 143:*

137 (c) On and after May 6, 2026, for school and institutional trust lands owned as of May 6,

138 2026, the state owns title to a geothermal resource in school and institutional trust

139 lands unless title to the geothermal resource has been expressly conveyed by a

140 { **conveyance, contract, deed, or other binding obligation** } **deed** to another party by the state
141 in accordance with Section 53C-2-401.

142 (4) Subject to Section 73-22-8, a person may not use a geothermal fluid without a water
143 right.