

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1076**

Introduced by Brandt, 32; Strommen, 47.

Read first time January 15, 2026

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation  
2 Commission; to amend sections 57-1601 and 57-1620, Reissue Revised  
3 Statutes of Nebraska; to change penalty provisions relating to the  
4 Nebraska Geologic Storage of Carbon Dioxide Act; to harmonize  
5 provisions; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1       **Section 1.** Section 57-1601, Reissue Revised Statutes of Nebraska, is  
2       amended to read:

3       57-1601 Sections 57-1601 to 57-1624 and sections 3 and 4 of this act  
4       shall be known and may be cited as the Nebraska Geologic Storage of  
5       Carbon Dioxide Act.

6       **Sec. 2.** Section 57-1620, Reissue Revised Statutes of Nebraska, is  
7       amended to read:

8       57-1620 (1) Any person who violates any provision of the Nebraska  
9       Geologic Storage of Carbon Dioxide Act or any rule, regulation, or order  
10      of the commission under the act shall be guilty of a Class II  
11      misdemeanor. Each day that such violation continues shall constitute a  
12      separate offense.

13      (2) If any person, for the purpose of evading the provisions of the  
14      act or any rule, regulation, or order of the commission under the act,  
15      makes or causes to be made any false entry or statement in a report  
16      required by the act or by any such rule, regulation, or order, makes or  
17      causes to be made any false entry in any record, account, or memorandum  
18      required by the act or by any such rule, regulation, or order, or removes  
19      from this state or destroys, mutilates, alters, or falsifies any such  
20      record, account, or memorandum, such person shall be guilty of a Class II  
21      misdemeanor.

22      (3) Any person who knowingly and willfully violates any provision of  
23      the act or any rule, regulation, or order of the commission shall be  
24      guilty of a Class I misdemeanor.

25      (4) Any person who knowingly and willfully commits any of the  
26      following offenses shall be guilty of a Class I misdemeanor:

27      (a) Making any false statement, representation, or certification in  
28      any application, report, plan, or other document required to be filed or  
29      maintained by the rules or regulations adopted by the commission; or

30      (b) Falsifying, tampering with, or rendering inaccurate any  
31      monitoring device or method used or required for compliance with any

1    permit or the rules or regulations adopted and promulgated by the  
2    commission.

3        (5) (3) Any person who knowingly aids or abets any other person in  
4    the violation of any provision of the act or any rule, regulation, or  
5    order of the commission under the act shall be subject to the same  
6    penalty as that prescribed by the act for the violation by such other  
7    person.

8        (6) (4) The penalties provided in this section shall be recoverable  
9    by suit filed by the Attorney General in the name and on behalf of the  
10   commission, in the district court of the county in which the defendant  
11   resides, or in which any defendant resides if there be more than one  
12   defendant, or in the district court of any county in which the violation  
13   occurred. The payment of any such penalty shall not operate to relieve a  
14   person on whom the penalty is imposed from liability to any other person  
15   for damages arising out of such violation.

16       (7) (5) In determining the amount of the penalty, the court shall  
17   consider:

18       (a) The nature of the violation, including its circumstances and  
19   gravity, and the hazard or potential hazard to the public's or a private  
20   person's health, safety, and economic welfare;

21       (b) The economic or environmental harm caused by the violation;

22       (c) The economic value or other advantage gained by the person  
23   committing the violation;

24       (d) The history of previous violations;

25       (e) The amount necessary to deter future violations;

26       (f) Efforts to correct the violation; and

27       (g) Other matters justice requires.

28       Sec. 3. (1) In addition to the penalties prescribed in section  
29   57-1620 and section 4 of this act, whenever it appears that any person is  
30   violating or threatening to violate any provision of the Nebraska  
31   Geologic Storage of Carbon Dioxide Act, any rule, regulation, or order of

1    the commission, or any term, condition, or limitation of any permit  
2    issued pursuant to such act, rule, regulation, or order, such person may  
3    be subject to a civil penalty imposed by the commission. The civil  
4    penalty shall be at least two thousand five hundred dollars per day, not  
5    to exceed ten thousand dollars per day.

6        (2) Proceedings before the commission may be instituted upon motion  
7    by the commission or by any interested person to:

8        (a) Assess or recover civil penalties;  
9        (b) Revoke, suspend, modify, or limit any permit issued by the  
10    commission to such person; or  
11        (c) Impose by order such other conditions as the commission  
12    determines appropriate.

13        The commission shall establish and maintain procedures for receiving  
14    and ensuring proper consideration of information received from the public  
15    about violations of any provision of the act or any rule, regulation, or  
16    order of the commission.

17        (3) No civil penalty shall be imposed until written notice is sent  
18    pursuant to subsection (4) of this section and a period of ten days has  
19    elapsed in which the person may come into compliance if possible. If any  
20    violation is a continuing one, each day a violation continues after such  
21    ten-day period shall constitute a separate violation for the purpose of  
22    computing the applicable civil penalty and the amount of the penalty  
23    shall be based on the severity of the violation. Civil penalties  
24    assessed, sought, or agreed upon by the commission under this subsection  
25    shall be appropriate to the violation considering the factors listed in  
26    subsection (7) of section 57-1620. The commission may compromise,  
27    mitigate, or remit such penalties.

28        (4) Whenever the commission intends to impose a civil penalty under  
29    this section, the commission shall notify the person in writing (a)  
30    setting forth the date, facts, and nature of each violation with which  
31    the person is charged, (b) specifically identifying the particular

1 provision or provisions of the section, rule, regulation, order, or  
2 permit involved in the violation, and (c) specifying the amount of each  
3 penalty which the commission intends to impose. Such written notice shall  
4 be sent by registered or certified mail to the last-known address of such  
5 person. The notice shall also advise such person of his or her right to a  
6 hearing and that failure to pay any civil penalty subsequently imposed by  
7 the commission will result in a civil action by the commission to collect  
8 such penalty. The person so notified may, within thirty days of receipt  
9 of such notice, submit a written request for a hearing to review any  
10 penalty to be imposed by the commission. A hearing shall be held in  
11 accordance with the Administrative Procedure Act, and any person upon  
12 whom a civil penalty is subsequently imposed may appeal such penalty  
13 pursuant to such act. On the request of the commission, the Attorney  
14 General or county attorney may institute a civil action to collect a  
15 penalty imposed pursuant to this section.

16 (5) The commission shall, within thirty days from receipt, remit any  
17 collected civil penalty to the State Treasurer for credit to the Carbon  
18 Dioxide Storage Facility Administrative Fund. Any civil penalty assessed  
19 under this section that remains unpaid for more than sixty days after the  
20 issuance of the decision of the commission shall constitute a debt to the  
21 state which may be collected in the same manner as a lien foreclosure or  
22 sued for and recovered in any proper form of action in the name of the  
23 state in the district court of the county in which the person resides or  
24 owns property.

25 **Sec. 4.** In addition to the penalties prescribed under section  
26 57-1620 and section 3 of this act, the commission, upon receipt of  
27 information that any person is violating or threatening to violate any  
28 provision of the Nebraska Geologic Storage of Carbon Dioxide Act by  
29 engaging in any unauthorized activity which is endangering or causing  
30 damage to public health or the environment, is authorized to restrain  
31 immediately and effectively any such person. The commission may restrain

1    such person by its own order or by suit filed by the Attorney General in  
2    the name and on behalf of the commission, in the district court of the  
3    county in which the defendant resides, or in which any defendant resides  
4    if there be more than one defendant, or in the district court of any  
5    county in which the violation occurred.

6        **Sec. 5.**    Original sections 57-1601 and 57-1620, Reissue Revised  
7    Statutes of Nebraska, are repealed.