

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 916

Introduced by Meyer, 17.

Read first time January 09, 2026

Committee: Natural Resources

1 A BILL FOR AN ACT relating to carbon oxide; to amend sections 57-1101,
2 57-1602, 57-1610, and 57-1612, Reissue Revised Statutes of Nebraska;
3 to provide requirements for the approval of pipelines for the
4 transport of carbon dioxide; to change provisions relating to
5 eminent domain and the Nebraska Geologic Storage of Carbon Dioxide
6 Act; to harmonize provisions; to provide an operative date; and to
7 repeal the original sections.

8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** The Nebraska Oil and Gas Conservation Commission may
2 approve an application for the construction of a pipeline to be used for
3 the transport of liquid carbon dioxide provided that evidence is first
4 presented to the satisfaction of the commission showing a compelling need
5 to reduce greenhouse gas emissions in Nebraska, that the proposed
6 pipeline shall be operationally safe, that the proposed pipeline shall
7 not incur any costs to the taxpayers of Nebraska, that the proposed
8 pipeline shall result in the reduction of greenhouse gas emissions, that
9 the proposed pipeline shall not harm the environment, and that the
10 proposed pipeline shall provide an economic benefit to Nebraska and its
11 citizens.

12 **Sec. 2.** Notwithstanding any other provision of law, a person may
13 not exercise the right of eminent domain to acquire a right-of-way for,
14 to construct, or to operate a pipeline for the preponderant purpose of
15 transporting carbon oxide.

16 **Sec. 3.** Section 57-1101, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 57-1101 Any person engaged in, and any company, corporation, or
19 association formed or created for the purpose of, transporting or
20 conveying crude oil, petroleum, gases, or other products thereof,
21 excluding carbon oxide, in interstate commerce through or across the
22 State of Nebraska or intrastate within the State of Nebraska, and
23 desiring or requiring a right-of-way or other interest in real estate and
24 being unable to agree with the owner or lessee of any land, lot, right-
25 of-way, or other property for the amount of compensation for the use and
26 occupancy of so much of any lot, land, real estate, right-of-way, or
27 other property as may be reasonably necessary for the laying, relaying,
28 operation, and maintenance of any such pipeline or the location of any
29 plant or equipment necessary to operate such pipeline, shall have the
30 right to acquire the same for such purpose through the exercise of the
31 power of eminent domain, except that for any major oil pipeline as

1 defined in section 57-1404 to be placed in operation in the State of
2 Nebraska after November 23, 2011, any such person, company, corporation,
3 or association shall comply with section 57-1503 and receive the approval
4 of the Governor for the route of the pipeline under such section or shall
5 apply for and receive an order approving the application under the Major
6 Oil Pipeline Siting Act, prior to having the rights provided under this
7 section. If condemnation procedures have not been commenced within two
8 years after the date the Governor's approval is granted or after the date
9 of receipt of an order approving an application under the Major Oil
10 Pipeline Siting Act, the right under this section expires. The procedure
11 to condemn property shall be exercised in the manner set forth in
12 sections 76-704 to 76-724.

13 **Sec. 4.** Section 57-1602, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 57-1602 The Legislature finds that the geologic , ~~recognizes~~ , and
16 ~~declares that it is in the public interest to promote the geologic~~
17 ~~storage of carbon dioxide. Doing so will benefit the state and the global~~
18 ~~environment by reducing greenhouse gas emissions and will help ensure the~~
19 ~~viability of the state's energy and power industries, to the economic~~
20 ~~benefit of Nebraska and its citizens. Further, geologic storage of carbon~~
21 ~~dioxide, a potentially valuable commodity, may allow for its ready~~
22 ~~availability if needed for commercial, industrial, or other uses.~~
23 ~~Geologic storage of carbon dioxide~~ , ~~however~~ , to be practical and
24 ~~effective~~ , requires cooperative use of surface and subsurface property
25 interests and the collaboration of property owners in order to be
26 practical and effective . Obtaining consent from all affected property
27 owners is required before construction can begin on a storage facility.
28 may not be feasible , requiring procedures that promote, in a manner fair
29 to all interests , cooperative management, thereby ensuring the maximum
30 use of natural resources . Use of any subsurface stratum and any materials
31 and fluids contained therein for geologic storage of carbon dioxide is a

1 ~~reasonable and beneficial use.~~

2 **Sec. 5.** Section 57-1610, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 57-1610 Before issuing a permit, the commission shall find:

5 (1) That the storage operator has complied with all requirements set
6 by the commission;

7 (2) That the storage facility is suitable and feasible for carbon
8 dioxide injection and storage;

9 (3) That the carbon dioxide to be stored is of a quality that allows
10 it to be safely and efficiently stored in the storage reservoir;

11 (4) That the proposed storage facility will not endanger surface
12 waters or underground sources of drinking water;

13 (5) That carbon dioxide will not escape into the atmosphere or
14 surface waters from the storage reservoir;

15 (6) That the storage facility will not endanger human health or
16 unduly endanger the environment;

17 (7) That the horizontal and vertical boundaries of the storage
18 reservoir are defined;

19 (8) That the storage operator will establish a testing and
20 monitoring plan to assess the location and migration of carbon dioxide
21 injected for storage and to ensure compliance with all permit, statutory,
22 and administrative requirements;

23 (9) That the storage operator has satisfied all of the requirements
24 in subdivisions (2) through (8) of this section if the storage operator
25 has obtained all permits required by the applicable underground injection
26 control program permitting authority for each storage facility injection
27 well;

28 (10) That the storage facility is in the public interest;

29 (11) In accordance with the United States Environmental Protection
30 Agency Underground Injection Control Program, that the storage operator
31 has completed a comprehensive geologic study which includes a seismic

1 risk assessment;

2 (12) That the storage operator has obtained made a good faith effort
3 to obtain the consent of all persons who own reservoir estates within the
4 storage reservoir; and

5 (13) That the storage operator has obtained the consent of persons
6 who own reservoir estates comprising at least sixty percent of the
7 physical volume contained within the defined storage reservoir;

8 (13) (14) Whether the storage reservoir contains commercially
9 valuable minerals. If it does, a permit may be issued only if the
10 commission is satisfied that the interests of the mineral owners or
11 mineral lessees will not be adversely affected or have been addressed in
12 an arrangement entered into by the mineral owners or mineral lessees and
13 the storage operator. ; and

14 (15) That all nonconsenting reservoir estate owners are or will be
15 equitably compensated.

16 **Sec. 6.** Section 57-1612, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 57-1612 If a storage operator does not obtain the consent of all
19 persons who own a reservoir estate within the storage reservoir, the
20 commission shall not issue a permit. may require that any reservoir
21 estates owned by nonconsenting owners be included in a storage facility
22 and subject to geologic storage.

23 **Sec. 7.** This act becomes operative on January 1, 2027.

24 **Sec. 8.** Original sections 57-1101, 57-1602, 57-1610, and 57-1612,
25 Reissue Revised Statutes of Nebraska, are repealed.