

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:

- 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.