

EXECUTIVE ORDER 2026-005

Order Establishing the Nevada Standard for Responsible Data Center Development

***WHEREAS**, it is in the interest of the State of Nevada to protect its water, the reliability of its electrical grid, the funding of its public schools, the land use authority of its local governments, and its ratepayers and taxpayers, and to assist only those data centers that honor those protections and are free of ownership or control by a foreign adversary; and*

***WHEREAS**, responsible data centers are the means by which Nevada will meet an unprecedented challenge and realize an unprecedented opportunity, one of the most significant for economic growth and fiscal diversification this State has seen in a generation, on its own terms and at no cost to those protections; and*

***WHEREAS**, it is incumbent upon Nevada to define the responsible development of data centers in this State, and to compete for these facilities not on the depth of its abatements but on the standard it sets, under which a data center bears the full burden of the costs it creates, earns its place, and leaves its host community better off than it found it; and*

***WHEREAS**, that standard rests upon two commitments of the developer, to support the public schools through the Local School Support Tax, and to bind itself through a Nevada Community Support Commitment, and upon a commitment of the State in return, to terms that are uniform and known in advance and to necessary decisions, including, where appropriate, approvals, without avoidable delay; and*

***WHEREAS**, paragraph (c) of subsection 3 of NRS 360.754 authorizes the Governor's Office of Economic Development to add to the requirements an applicant for a partial abatement must meet; and*

***WHEREAS**, Article 5, Section 1 of the Nevada Constitution provides: "The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."*

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada and the United States, it is hereby ordered as follows:

SECTION 1. Policy.

It is the policy of this State to facilitate data center development that meets the standard this Order establishes, and to measure every application against it. The standard is a partnership whose terms run in both directions. The developer pays the Local School Support Tax in full, bears the costs its project causes and protects the water, the electrical grid and the community that hosts it. The State provides terms that are uniform and known in advance, acts on a complete application without avoidable delay, and works to deliver the electrical power the project requires. The requirement is that Nevadans benefit, on terms that are reasonable and customary to every party and that reflect equity, neutrality and shared benefit with the State, its residents and its existing businesses. No cost of serving a data center is borne by any other ratepayer, and no ratepayer pays more because a data center was built. Where a data center's investment strengthens the grid, the benefit of that investment is not the data center's alone; it inures to the benefit of every ratepayer.

SECTION 2. Minimum terms for an application.

The Executive Director of the Governor's Office of Economic Development shall not bring before the Board of Economic Development (the "Board") an application for a partial abatement under NRS 360.754 for a data center unless the application provides for a combined sales and use tax rate of not less than 4.6 percent, consisting of the tax imposed by the Sales and Use Tax Act and the Local School Support Tax, neither abated in any amount.

SECTION 3. The Nevada Community Support Commitment.

(a) The Executive Director shall not bring an application for a data center abatement before the Board unless the applicant has executed the Nevada Community Support Commitment (the "Commitment"), in the standard form published under this Section or, until then, on the terms this Section describes, incorporated into the agreement executed under NRS 360.754.

(b) The Commitment shall obligate the applicant as to water, ratepayers, grid reliability, siting and neighbors, workforce, community benefit, transparency and speed to power, on uniform terms the Executive Director shall publish on or before November 6, 2026 in consultation with the State Engineer, the Public Utilities Commission of Nevada (the "Commission"), and the other agencies, local governments and school districts concerned. At a minimum it shall provide that the facility meets the water standard for its location; that it bears the cost of serving it, so that other customers of the electric utility carry none of that cost, the instrument and terms being for the Commission to determine; that its operation during a declared grid emergency not come at the expense of firm service to homes and existing businesses, that it comply with any load reduction requirement applicable to the facility under the electric utility's approved tariffs or under another tariff, agreement, order or program the Commission approves, including a requirement to reduce load when the electric utility or the balancing authority so directs, relying where necessary and appropriate on alternative or redundant energy systems, the terms of any such obligation being for the Commission to determine, and that a facility providing essential services, such as emergency communications and 9-1-1, public safety, health care, utility control systems, telecommunications, payment systems, transportation control and continuity of government, be treated as an essential service as that program designates, provided that its development and operation will not increase the risk to the stability or availability of power, or the cost of energy, for existing customers; that no payment or exaction beyond the taxes paid and the obligations undertaken is required; that an uncured material failure suspends the abatement and requires recapture, proportionate to the nature and circumstances of the failure, to the extent NRS 360.754 permits, and that a material failure to comply with a grid reliability obligation during a declared grid emergency is a default without a cure period; and that obligations protecting third parties bind successors and survive the abatement.

SECTION 4. Commitments of the State.

The Executive Director shall publish the standard form of the Commitment, which applies to every applicant alike, shall notify an applicant within 30 days of any incompleteness and place a complete application on the Board's next lawful agenda, shall condition no abatement on any payment or exaction not stated in this Order or the Commitment, and shall publish annually, in aggregate form, the measures the Commitment requires to be reported. The terms approved for a facility continue to apply for the term of its abatement.

SECTION 5. Responsible Speed to Power Plan.

The Director of the Office of Energy shall, on or before December 31, 2026, with the Executive Director and each electric utility and in consultation with large load customers, deliver to the Governor a Responsible Speed to Power Plan identifying the facilities required to serve the large load anticipated through 2036, each point at which the existing process delays that power, including review, siting, cost recovery and procurement, the legislation needed to avoid unreasonable delay, and the commitment of each electric utility to bring that capacity on line. Speed to power, on reasonable and customary terms under which no ratepayer pays more because a data center was built and the benefit of new investment is shared, as set forth in Section 1, is the objective of the Responsible Speed to Power Plan. As necessary and appropriate to expedite the policy objectives set forth in this

Order, the Director shall request that the Commission consider opening an investigatory docket on its own motion under subsection 5 of NRS 704.120 on large load service, cost recovery and its timing, flexible service, co-located generation, and service during a declared grid emergency.

SECTION 6. Foreign adversaries.

The Executive Director shall not bring an application for a data center abatement before the Board where the applicant or an operator of the facility is owned or controlled by, or subject to the direction of, a foreign adversary of the United States, as designated under part 791 of title 15 of the Code of Federal Regulations.

SECTION 7. Savings clauses, effective date and duration.

Nothing in this Order shall be construed to apply to an application the Board approved before its effective date or to an agreement under it; to limit or direct the discretion of the Board; to condition any statutory duty of any agency upon the Commitment; to direct the Commission, alter its jurisdiction, or delay, alter, reopen, supplement or condition any proceeding pending before it or any tariff, agreement, order, approval or resource plan it has approved, an applicant’s obligations being conditions of the assistance of this State and not a prerequisite to or condition upon any action of the Commission; or to limit the land use authority of a county or city. This Order is effective immediately, applies to every application not yet acted upon by the Board, and remains in effect until rescinded or superseded by regulation, guidelines adopted under the State Plan for Economic Development, or act of the Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 16th day of September, in the year two thousand twenty-six.

Governor

Secretary of State

Deputy