Resolution No. 26-01

Resolution of the Governor's Data Center Task Force Regarding Policy Recommendations to the Legislature for Responsible Data Center Development in Nebraska

WHEREAS, Executive Order 26-17 established the Governor's Data Center Task Force through the Department of Water, Energy, and Environment (DWEE) to analyze the impacts of data center development on Nebraska's water resources and environment, review existing state law and policies, and provide recommendations to the Legislature, including recommendations to protect natural resources and support common-sense county zoning guidelines for future development;

WHEREAS, the Task Force reviewed Nebraska's existing water management framework, including the respective authorities of DWEE and Nebraska's 23 natural resources districts (NRDs) over surface water and groundwater, and the role of locally adopted NRD rules for large water users in evaluating hydrologic impacts, managing water use, and protecting existing domestic, agricultural, industrial, and municipal users;

WHEREAS, the Task Force reviewed Nebraska's existing water-management framework, which provides an established foundation for evaluating and managing water resources based on regional hydrologic conditions and local needs, and that maintaining this framework, together with its existing authorities and regulatory mechanisms, supports the protection of Nebraska's water resources while accommodating responsible economic development;

WHEREAS, the Task Force reviewed existing energy and public-power planning policies, including recently enacted legislative requirements under LB1010 (2026) and LB1261 (2026), addressing large-load evaluation, infrastructure cost allocation, financial commitments, transparency, and system reliability, and recognizes the importance of ensuring that the costs associated with serving new or expanding large loads are appropriately allocated to those customers rather than shifted to existing ratepayers;

WHEREAS, the Task Force reviewed the data center reporting requirements enacted through LB1010 (2026), and finds that these requirements advance the Legislature's intent to improve transparency concerning large-scale data center development, provide policymakers with information to evaluate potential impacts, and support informed decision-making regarding Nebraska's natural resources and infrastructure;

WHEREAS, the Task Force reviewed existing county and municipal land-use authorities, including comprehensive planning, zoning, and project-specific evaluation processes, as well as recently passed legislative requirements under LB663 (2026), and recognizes the importance of preserving local decision-making, while providing communities with the information, resources, and statutory tools necessary to evaluate proposed development, and further finds that additional consideration should be given to the impacts of broad prohibitions or moratoriums on data center and other development, including their potential effects on responsible investment opportunities in Nebraska;

WHEREAS, the Task Force finds that responsible data center development can deliver substantial economic benefits to Nebraska, including capital investment, construction and permanent employment, expanded property and sales tax bases, infrastructure investment, and support for local businesses, which should be broadly shared with host communities, local governments, schools, and Nebraska residents, and the Task Force examined policy considerations regarding Community Benefit Agreements as a means of sharing those benefits and identified a need for greater statutory clarity regarding the authority of local governments to negotiate, enter, and enforce such agreements in a manner that supports community priorities and provides appropriate legal certainty;

WHEREAS, through its review of existing laws, policies, and regulatory frameworks governing water resources, public power, data center reporting, and local land-use authority, the Task Force sought to identify existing protections, evaluate whether additional statutory measures were warranted, and develop recommendations that protect Nebraska's natural resources and existing ratepayers while supporting responsible economic development, ensuring its benefits are broadly shared, and preserving local control;

NOW, THEREFORE, BE IT RESOLVED, that the Governor's Data Center Task Force recommends the following policies be considered by the Nebraska Legislature:

1. **Maintaining Nebraska's Water Management Framework and Data Center Reporting Requirements:**

   Nebraska's existing water management framework, including locally adopted NRD rules for large water users that evaluate hydrologic impacts, provide appropriate mechanisms to protect water resources, prevent degradation of natural resources, and balance the needs of domestic, agricultural, industrial, and municipal users while accommodating responsible economic development. The Task Force further finds that existing reporting requirements for large data center facilities should be maintained and enforced as a means of promoting transparency, informing evaluation of the impacts of data center development on our natural resources, and supporting accountability and evidence-based policymaking.

2. **Protecting Public-Power Ratepayers and System Reliability:**

   Existing and newly enacted policies governing large-load customers should be maintained and enforced, and where appropriate, enhanced to ensure that customers imposing additional demands on Nebraska's electrical system bear appropriate financial responsibility for infrastructure and operational costs. Such policies should protect: 1) existing public-power ratepayers from subsidizing new or expanding data center large loads; 2) the long-term financial stability of Nebraska's public-power systems; and 3) the reliability and resilience of the bulk electric system that serves Nebraska.

3. Preserving Local Control in Land-Use Decisions and Community Engagement:

Local zoning and land-use authority should be preserved and supported through clear statutory authority that enables communities to evaluate the impacts of proposed large-scale industrial developments, including data centers. Local governments should continue to facilitate early, meaningful, and transparent communications with affected residents and stakeholders to ensure that development decisions align with community priorities, local planning objectives, and long-term economic development benefits. Consistent with this local authority, proposed data center projects should be evaluated on a project-specific basis through established local review processes, allowing communities to consider the unique circumstances, impacts, and benefits of individual proposals. Local governments should retain full authority to evaluate, condition, approve, or deny projects through their comprehensive planning, zoning, and project-specific review processes, informed by Nebraska's existing water-management and public-power frameworks.

4. Clarifying Authority for Community Benefit Agreements:

The Legislature should adopt statutory changes that clarify and strengthen the authority of local governments to negotiate, enter, and enforce Community Benefit Agreements. Such legislation should provide legal certainty regarding the scope, enforceability, and administration of these agreements while supporting transparency, proportionality, and alignment with community needs and priorities. Community Benefit Agreements should serve as one means of ensuring that the economic benefits of data center development, including employment opportunities, tax revenues, infrastructure investment, and community investment, are broadly shared with the local governments, schools, and residents that host these facilities.

Date of Adoption: _____11/19/2026_____