

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 853 (Senator Sydnor)

Education, Energy, and the Environment and  
Finance

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**Economic Development Activity - Nondisclosure Agreements**

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This bill prohibits, notwithstanding any other provision of law, the following individuals from entering into a nondisclosure agreement with a person involved in an economic development activity, including a person involved in establishing or operating a data center: (1) specified employees of and contractors/consultants to the Department of Commerce or any other entity or program governed by the Economic Development Article; (2) governing bodies, and specified employees and contractors/consultants to governing bodies or any other entity or program governed by the Local Government Article; and (3) legislators and specified employees and contractors/consultants to a legislator or the General Assembly. The bill establishes that “instrumentality of the State” includes a public service company, as defined under the Public Utilities Article. The bill also makes technical changes.

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**Fiscal Summary**

**State Effect:** The bill does not directly affect governmental finances, but it may have an operational effect to the extent that it impedes the State from entering into some contractual and/or financing relationships for economic development purposes and related services that may require nondisclosure agreements.

**Local Effect:** The bill does not directly affect local governmental finances, but it may have a comparable operational effect on local governments.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** There is no relevant current law regarding the prohibition of specified individuals entering into nondisclosure agreements with a person involved with an economic development activity.

“Data center” means a building or group of buildings used to house computer systems, computer storage equipment, and associated infrastructure that businesses or other organizations use to organize, process, store, and disseminate large amounts of data.

**Additional Comment:** The bill does not define what constitutes an “economic development activity.”

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## Additional Information

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland Technology Development Corporation; Department of Commerce; Maryland Association of Counties; Maryland Municipal League; Public Service Commission; Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2026  
caw/mcr

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