



## Senate Bill 853 – Economic Development Activity - Nondisclosure Agreements

Senate Education, Energy and the Environment Committee

*Favorable with Amendment  
March 5, 2026*

The Maryland Technology Development Corporation (TEDCO) respectfully submits this letter of testimony for Senate Bill 853. TEDCO is a public instrumentality of the State of Maryland created to advance technology-based economic development, innovation, and entrepreneurship. Serving Maryland's innovation ecosystem, TEDCO discovers, invests in, and helps build Maryland-based technology companies and is dedicated to economic growth through the fostering of an inclusive entrepreneurial and innovation ecosystem.

TEDCO provides funding, resources and connections that early-stage technology and life sciences companies need to thrive in Maryland. As such, TEDCO regularly engages in grant and investment contracts with a variety of startup businesses, etc.

We believe that, under the bill, TEDCO qualifies as an "entity . . . governed by" the Economic Development Article of the MD Code (since that's where our enabling statute is set out), and would therefore be covered by the language prohibiting entering into nondisclosure agreement with entities involved in "economic development" activities (which the bill does not define, but arguably could include many TEDCO activities).

It may be beneficial to get some clarity around the definition of such "economic development activity", since TEDCO deals in various ways with a variety of Maryland startups and organizations who need nondisclosure agreements from TEDCO, such as potential TEDCO portfolio companies.

TEDCO would greatly appreciate either an amendment to define this broad term or – perhaps more simply – to carve TEDCO out. Carving TEDCO out would be our preference, as TEDCO does not have a concern with the bill itself, just its potential impact on TEDCO and our ability to work with Maryland startup portfolio companies, etc.

For these reasons, TEDCO respectfully amends to SB 853 to remove TEDCO from the scope of the legislation in order to sustain TEDCO's ability to enter into needed nondisclosure agreements with Maryland early-stage start up companies. TEDCO has discussed this potential amendment with the bill sponsor, Senator Sydnor and we appreciate his consideration.

For your information, TEDCO's requested amendments (see underlined, lowercased, section) are provided on the following page. TEDCO thanks the bill sponsor and members of the Senate Finance Committee for your consideration.

Public record” has the meaning stated in [§ 4–101(j)] § 4–101 of the  
2 General Provisions Article.  
3 Article – Economic Development

4 TITLE 1.5. GENERAL PROVISIONS.

5 1.5–101.

6 (A) THIS TITLE APPLIES TO THE EMPLOYEES OF, CONTRACTORS WITH, AND  
7 CONSULTANTS TO THE DEPARTMENT OR ANY OTHER ENTITY OR PROGRAM  
8 GOVERNED BY THIS ARTICLE.

1.5-101(A)(1) This title does not apply to the Maryland Technology Development Corporation

9 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL  
10 MAY NOT ENTER INTO A NONDISCLOSURE AGREEMENT WITH A PERSON INVOLVED  
11 IN AN ECONOMIC DEVELOPMENT ACTIVITY, INCLUDING A PERSON INVOLVED IN  
12 ESTABLISHING OR OPERATING A DATA CENTER AS DEFINED IN § 11–239 OF THE TAX