ASSEMBLY SCIENCE, INNOVATION AND TECHNOLOGY COMMITTEE

STATEMENT TO

SENATE, No. 4304

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 2026

The Assembly Science, Innovation and Technology Committee reports favorably and with committee amendments Senate Bill No. 4304.

As amended and reported, this bill expressly prohibits applicants for the development of a large-scale data center, as defined in the bill, from entering into non-disclosure agreements, as defined in the bill, with a government entity or official to conceal use of public resources. The bill provides that these non-disclosure agreements are against public policy and unenforceable. The bill specifies that a developer may use a non-disclosure agreement during the preliminary site plan approval process only to protect confidential or proprietary information that, if wrongfully divulged, would provide a competitor with an unfair advantage.

The bill also requires applicants to make certain disclosures to the public, including disclosing certain information in a press release, engaging with local media and social media that serve the area, posting physical signage concerning the large-scale data center at the proposed development site, providing information materials concerning large-scale data center development in English, Spanish, and other commonly-spoken languages in the area, and sending direct mail to properties within five miles of the large-scale data center development site.

An approving authority or municipal agency is not to approve a minor site plan, minor subdivision, site plan, or subdivision, or grant any other approval required by an approving authority, municipal agency, or enforcing agency, if the applicant violates a provision of this bill.

The provisions of this bill apply only to the development of large-scale data centers. Provisions of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), or any other law, that prohibit agreements, including non-disclosure agreements, that have the purpose or effect of concealing the details, or preventing public review, for the development of any structure other than a large-scale data center, shall remain in effect.

As amended and reported by the committee, Senate Bill No. 4304 is identical to the committee substitute for Assembly Bill Nos. 2774 and 5224, which was reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended this bill to:

(1) amend the title and synopsis;

(2) insert legislative findings and declarations;

(3) replace the term "data center" with "large-scale data center";

(4) require applicants to make certain notices to the public;

(5) require that if more than one developer is involved in the development, ownership, or operation of a large-scale data center, each entity shall coordinate to jointly issue a single public disclosure that satisfies the requirements of this bill;

(6) provide that a developer who submits an application for preliminary site plan approval of the development of a large-scale data center is to only use a non-disclosure agreement during the preliminary site plan approval process to protect confidential or proprietary information that, if wrongfully divulged, would provide a competitor with an unfair advantage;

(7) provide that a developer who submits an application for preliminary site plan approval of the development of a large-scale data center is prohibited from using a non-disclosure agreement concerning the large-scale data center with a government entity or official or to conceal use of public resources. As introduced, the bill prohibited an applicant, in an application for development of a data center, to enter into an agreement with the purpose or effect of concealing details, or preventing public review with an approving authority or municipal agency or a property seller;

(8) remove a provision requiring certain applicants to attest to not entering into certain agreements; and

(9) clarifies that the provisions of the bill apply only to the development of large-scale data centers, and that other provisions of law that prohibit agreements, including non-disclosure agreements, that have the purpose or effect of concealing the details, or preventing public review, for the development of any structure other than a large-scale data center, are to remain in effect.