PRESS RELEASE

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Ben Stein
bstein@policymattersohio.org
304-685-8354

HB 695 should limit NDAs, restore access to records of data center and other development deals

In testimony delivered today, Policy Matters Ohio Research Director Zach Schiller urged the House Local Government Committee to strengthen House Bill 695 by broadening limits on nondisclosure agreements in data center and other economic development deals and repealing the recent change to Ohio law that shields key economic development records from public view.

Schiller said H.B. 695 is an important step toward more transparent economic development, especially as Ohio communities grapple with proposed data center projects that can reshape communities, dramatically increase utility costs, and impact public finances. But, he said, the bill will be more effective if lawmakers also reverse a recent provision added to Section 9.66 of the Ohio Revised Code, which makes broad categories of information tied to economic development assistance confidential.

“Nondisclosure agreements are one reason that Ohioans across the state are attending public meetings to voice their concerns about data centers,” Schiller said. “Residents’ fears have been stoked by NDAs that have hidden projects from public view, sometimes while officials quietly negotiate with data center companies,” he added, citing an agreement by officials in Wilmington related to an Amazon data center project.

Schiller recommended amending H.B. 695 so it applies to more public officials involved in economic development decisions, and to avoid home-rule conflicts. He also stressed the need to reverse a change made last year, through H.B. 184, to criminalize the release of certain records related to economic development.

“No longer can residents expect to get the basic details on what applicants for [local development] assistance promise in jobs and investment. … Local officials now must be concerned that they could be criminally prosecuted for providing information to constituents.”

“By reversing this move and strengthening H.B. 695, legislators can take an important step toward allowing the public to meaningfully participate in decision-making.”

Policy Matters Ohio is a nonprofit, nonpartisan state policy research institute with offices in Cleveland and Columbus.