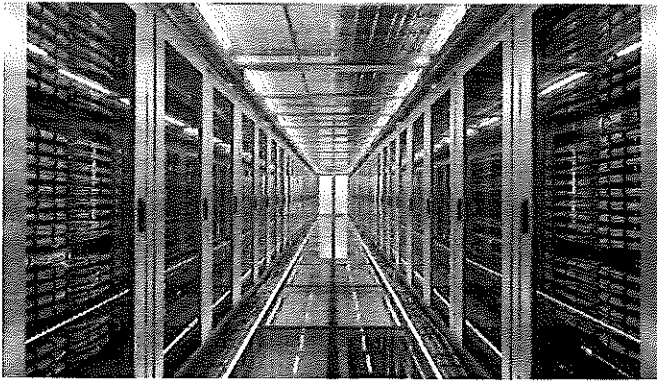




AI, TECHNOLOGY & INNOVATION
([HTTPS://NJBIA.ORG/CATEGORY/AI-TECHNOLOGY-INNOVATION/](https://njbja.org/category/ai-technology-innovation/)).

NJBIA, IBEW Local 102 Set Record Straight on AI Data Centers in New Op-Ed

Published June 15

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In a new op-ed on NJ.com (<https://www.nj.com/opinion/2026/06/nj-business-labor-leaders-data-centers-wont-spike-your-electric-bill-if-developers-pay-for-their-own-infrastructure.html>), business and labor leaders jointly wrote about the need for greater education as it relates to data center development in New Jersey.

NJBIA President and CEO Michele Siekerka and **IBEW Local 102 President Bernie Corrigan** said that their op-ed was not “a case for approving every project” and Gov. Mikie Sherrill was correct in calling for transparency and community review as part of her recently announced data center plan

But the business and labor leaders came together to say there has been much fear and misinformation spread about AI data center growth in the state and that New Jersey, as the Innovation State, “cannot let misperception outrun opportunity.”

“We should be positioning New Jersey as a leader in AI innovation at exactly the moment that position is worth something,” Corrigan and Siekerka wrote.

“National and global economies are at an inflection point, a bold new era of innovation. Data centers are investments for this era. The states that understand this are already ahead. New Jersey should be one of them.

“The last thing we want to do in this rapidly advancing space of AI is to put a firewall around New Jersey being a leader in this emerging new economy,” they said.

Siekerka and Corrigan said that while many communities are asking the right questions where data centers are being considered, residents are sometimes provided misinformation from organized opposition to those facilities, specifically in the areas of electricity costs, water usage, emissions, noise levels and community impact.

Here’s how they set the record straight in those areas:

On electricity costs: “Electricity rates in New Jersey are set by utilities and regulated by the Board of Public Utilities, not by data center operators. Here’s the sharper question we should be asking: Is the data center operator funding the new infrastructure it will require?

“If the utility builds it and recovers the cost through rates, that bill lands on residential customers. If the data center operator funds it directly, there’s no infrastructure cost to pass along.

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"The responsible ones do the latter, as we see with the CoreWeave project in Kenilworth, which is funding its own substation construction and procuring clean energy at a premium for the facility. The new capacity they build will serve the broader grid, not just their own facility. That's the standard that communities should be demanding."

On water usage: "During construction, the cooling system requires a one-time water fill. After that, it runs on a closed-loop design that circulates continuously, moving heat through the system year-round without drawing on the local water supply."

"For context, that initial fill is roughly what an 18-hole golf course uses in a few days. Once operational, day-to-day water use at the facility amounts to what you'd expect from any office building of similar size for break rooms and bathrooms."

On emissions and noise: "The industry is moving toward carbon-free energy procurement, and software improvements have driven dramatic efficiency gains."

"As for noise levels, New Jersey law sets hard limits: 50 decibels at night, 65 during the day. For context, 50 decibels is a quiet room and 65 is about the same as background music in a coffee shop. The facility has to stay below that after 10 p.m. These are enforceable standards, not suggestions."

On community impact and jobs: "Before the first server goes online, a data center does something tangible for the community hosting it: it goes on the property tax rolls. That revenue flows directly to local school districts, which in New Jersey are perpetually underfunded and perennially dependent on Trenton to make up the difference."

"For local employment, critics point to low permanent headcounts at individual facilities. That framing ignores contractors, on-site tenant workers, suppliers, and the broader economic activity that a large permanent facility anchors."

Corrigan and Siekerka also said that large, permanent infrastructure attracts businesses that depend on reliable digital capacity.

"Suppliers, contractors, and service providers tend to put down roots near the anchor facility," they said. "That's not theoretical. It's how regional economies have always built around major infrastructure investments."

To read Siekerka and Corrigan's full NJ.com op-ed, click [here](https://www.nj.com/opinion/2026/06/nj-business-labor-leaders-data-centers-wont-spike-your-electric-bill-if-developers-pay-for-their-own-infrastructure.html) (<https://www.nj.com/opinion/2026/06/nj-business-labor-leaders-data-centers-wont-spike-your-electric-bill-if-developers-pay-for-their-own-infrastructure.html>).

president/)

NJBIA Launches 'Rethink RGGI' Campaign to Lower NJ Energy Costs & Improve Environment
(<https://njbja.org/njbja-launches-rethink-rggi-campaign-to-lower-nj-energy-costs-improve-environment/>)



(<https://servedbyadbutler.com/redirect.spark?MID=166735&plid=3704520&setID=401167&character=4dc8-abad-3ffb5dd14c71&hc=6d242b7bc05660e9a3e8c01>)



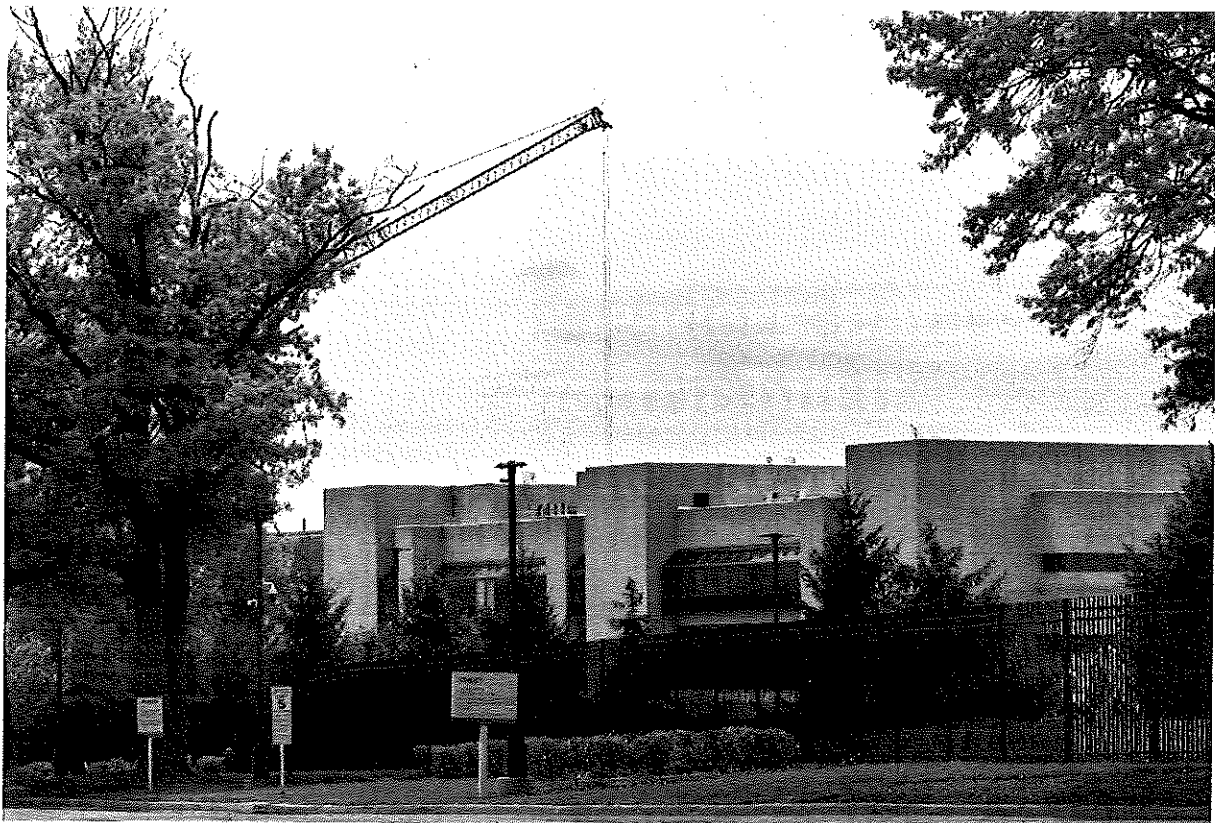
(<https://servedbyadbutler.com/redirect.spark?MID=166735&plid=3705226&setID=184341&character=4a12-92db-3a3f83cbbbe6&hc=c28ad5560eb876e5e11c84>)

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OPINION

N.J. business, labor leaders: Data centers won't spike your electric bill if developers pay for their own infrastructure

Published: Jun. 12, 2026, 7:30 a.m.



An exterior view of a proposed large-scale AI data center in Kenilworth.

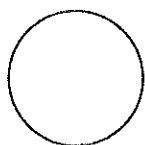
Wednesday, April 29, 2026 John Jones | For NJ.com



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N.J. business, labor leaders: Data centers won't spike your electric bill if developers pay for their own infrastructure

About 5 Minutes

1x

and Everlit

By Michele Siekerka and Bernie Corrigan

Over the years, NJBIA and the state's organized labor leadership have been on opposite sides of some of the hardest fights in Trenton. But when we find ourselves standing shoulder to shoulder on a major policy matter, it's worth discussing why.

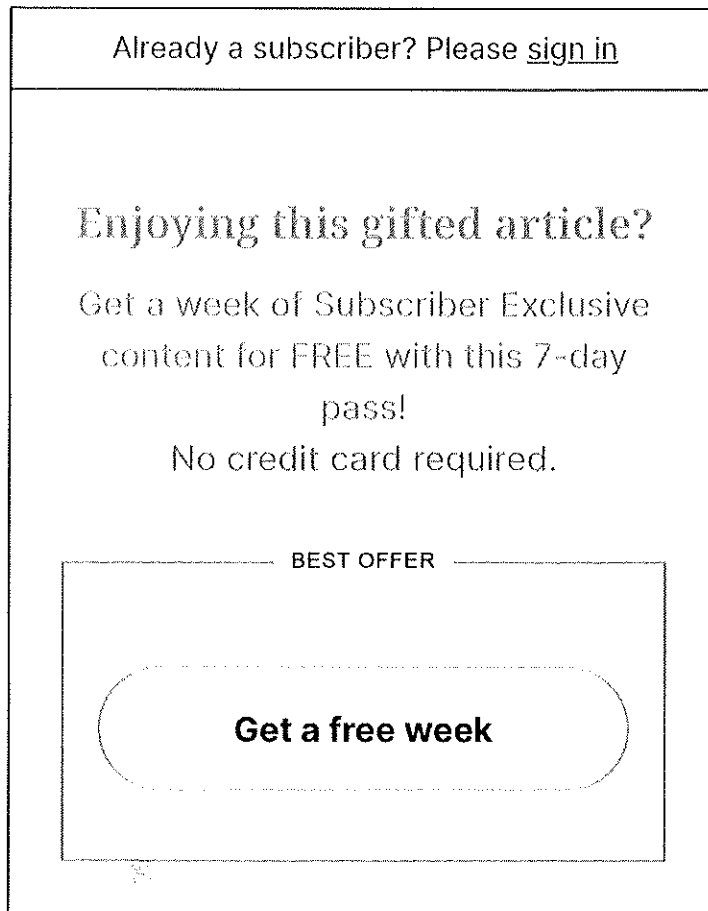
The answer is simple: Many communities across New Jersey are debating decisions about data centers based on fear, and the facts don't support that fear.



That isn't a case for approving every project.

Gov. Mikie Sherrill was right to call for transparency and serious community review as part of her recently announced data center plan. Not all proposals are equal, and communities are asking the right questions. They deserve clear answers.

Unfortunately, much of what's circulating in affected communities isn't always fact.



AI is already a facet of our everyday lives, and it's transforming sectors fundamental to breakthroughs in healthcare, scientific research and national security.

As we work to reclaim our status as the Innovation State, while also seeking to galvanize our economy, New Jersey cannot let misperception outrun opportunity. We should be positioning ourselves as a leader in AI innovation at exactly the moment that position is worth something.

On electricity costs

Here's a clear-eyed view of the main concerns.

The most common fear is that data centers will drive up residential utility bills. It has happened before: A large facility arrives, pushes an existing substation to capacity, and ratepayers end up footing the infrastructure bill to build a new one.

That concern is legitimate. The details are what matter.

Electricity rates in New Jersey are set by utilities and regulated by the Board of Public Utilities, not by data center operators. Here's the sharper question we should be asking: Is the data center operator funding the new infrastructure it will require?

If the utility builds it and recovers the cost through rates, that bill lands on residential customers. If the data center operator funds it directly, there's no infrastructure cost to pass along.

The responsible ones do the latter, as we see with the CoreWeave project in Kenilworth, which is funding its own substation construction and procuring clean energy at a premium for the facility. The new capacity it builds will serve the broader grid, not just its own facility. That's the standard communities should be demanding.

On water, emissions and noise

During construction, the cooling system requires a one-time water fill. After that, it runs on a closed-loop design that circulates continuously, moving heat through the system year-round without drawing on the local water supply.

For context, that initial fill is roughly what an 18-hole golf course uses in a few days. Once operational, day-to-day water use amounts to what you'd expect from any office building of similar size for break rooms and bathrooms.

On emissions and noise: What if we told you Google reduced its data center emissions by 12% in 2024? The industry is moving toward carbon-free energy procurement, and software improvements have driven efficiency gains.

As for noise levels, New Jersey law sets hard limits: 50 decibels at night, 65 during the day. For context, 50 decibels is a quiet room, and 65 is about the same as background music in a coffee shop. Facilities must stay below that after 10 p.m. These are enforceable standards, not suggestions.

On community impact and jobs

Before the first server goes online, a data center does something tangible for its host community: It goes on the property tax rolls. That revenue flows directly to local school districts, which in New Jersey are perpetually underfunded and dependent on Trenton to make up the difference. Subsequent facility changes suggest that math in a meaningful way.

Make up the difference. But a single facility changes
For local employment, critics point to low permanent headcounts at individual facilities. That framing ignores contractors, on-site tenant workers, suppliers and the broader economic activity a large permanent facility anchors.

Nationally, labor income from the data center industry grew 144% between 2017 and 2023. In New Jersey, a recent PwC report counted 35,180 direct jobs in the sector in 2024, contributing \$14.8 billion in labor income. Each direct job supports an estimated 4.5 positions elsewhere in the economy.

Large, permanent infrastructure attracts businesses that depend on reliable digital capacity. Suppliers, contractors and service providers tend to put down roots near the anchor facility. That's not theoretical. It's how regional economies have always built around major infrastructure investments.

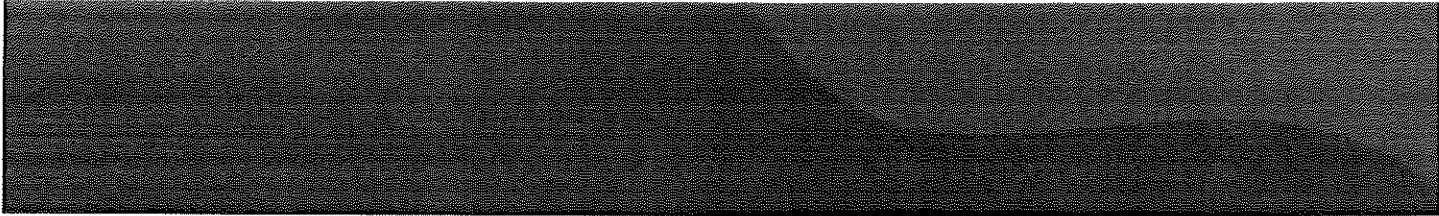
The national and global economies are at an inflection point — a bold new era of innovation. Data centers are investments for this era. The states that understand this are already ahead. New Jersey should be one of them.

NJBIA will soon release a report on the full realities of data centers. In the meantime, we encourage people to seek out the facts.

The last thing we want to do in this rapidly advancing space of AI is put a firewall around New Jersey being a leader in this emerging economy.

Michele Siekerka is president and CEO of the New Jersey Business & Industry Association.

Bernie Corrigan is president of IBEW Local 102.



New Jersey's "First in the Nation" Comprehensive Plan to Regulate Data Centers

Pamela Goodwin, Melissa Clarke, Katherine Meek

Published 06/01/2026



On May 27, 2026, New Jersey Governor Mikie Sherrill announced a Comprehensive Plan to regulate data centers in an effort to protect ratepayers from increased costs associated with high electricity demands imposed by large load data centers. Governor Sherrill's announcement comes just weeks after a coalition of more than 60 New Jersey organizations urged the state to temporarily halt approval and construction of large-scale data centers.^[1] While Sherrill's Plan sets forth clear recommended guardrails, the specific legal mandates will require legislative action or formal regulatory rule-making before they have binding legal effect.

WHAT YOU NEED TO KNOW

- Governor Sherrill announced her Comprehensive Plan to regulate data centers in New Jersey.
- Sherrill's Plan consists of four pillars which include shifting cost burdens associated with data center development from ratepayers to data centers; improving transparency through biannual data center reporting requirements; introducing standards and resources to municipalities for

community benefits agreements; and supporting investment in local job creation related to data center development.

- While Sherrill's Plan sets forth clear guardrails, the specific legal mandates will require further legislative action or formal regulatory rule-making.
- Sherrill's Plan follows the introduction of Bill S731/A796 earlier this year that would require New Jersey public electric utilities to develop and submit a tariff to the Board of Public Utilities (BPU) for large load data centers.
- Data center developers can take proactive measures now, including actively monitoring local legislative dockets, engaging with the Public Utility Commission, optimizing water consumption, implementing community benefit agreements, and diversifying power sources.

New Jersey currently houses nearly 80 data centers,^[2] some of which use up to 300 megawatts of energy,^[3] the equivalent necessary to power entire towns in the state. Since last summer, electricity costs in New Jersey have increased by almost 20% with such increases acting as the main driver of inflation in the state.^[4] By placing guardrails on data centers, the Sherrill Administration seeks to mitigate public concerns over electricity costs, water usage, environmental impacts, and transparency associated with data center development in the state.

According to Governor Sherrill, New Jersey's Comprehensive Plan is the first comprehensive strategy regulating data centers in the nation and consists of four pillars:

(1) Implementing Fair-Share Rules: Data centers would be required to pay for infrastructure upgrades needed to connect their facilities to the electrical grid and cover the cost of improvements tied to their projects.

(2) Improving Transparency: Data centers would be required to report energy and water usage every six months so that the public could be informed about the impacts of large-scale data center facilities on municipalities, including those relating to the electrical grid and water resources.

(3) Developing Strong Statewide Standards for Community Benefits

Agreements: State standards and resources would be used to increase the negotiating power of municipalities when it comes to addressing data center impacts, such as light, noise, and pollution, and incentivizing investment in local communities.

(4) Creating Jobs Related to Local Trades: Data centers would be incentivized to invest in jobs leveraging local trades.

Sherrill's Plan follows the introduction of Bill S731/A796 in the New Jersey Legislature on January 13, 2026. In its current form, the Bill would require New Jersey public electric utilities to develop and submit a tariff to the Board of Public Utilities (BPU) for large load data centers, i.e., data centers with a peak electricity demand of 100 megawatts or more. The Bill has passed the New Jersey Assembly and currently awaits Senate approval.

Through her Comprehensive Plan, Governor Sherrill aims to hold data centers accountable without driving business away from the state. Whether the goals of her plan will be achieved remains to be seen. In the meantime, data centers can take proactive measures, including actively monitoring local legislative dockets, engaging with the Public Utility Commission, optimizing water consumption, implementing community benefit agreements, and diversifying power sources.

Saul Ewing's Energy, Environmental, and Data Center Practices will track developments on the regulation of data centers in New Jersey and other states as they arise. Please do not hesitate to contact the authors of this alert, or your regular Saul Ewing point(s) of contact, with any questions about the substance of this alert.

[1] Pinelands Alliance. Petition to the Governor of New Jersey: A Three-Year Moratorium on New Data Centers.
<https://engage.pinelandsalliance.org/datacentersnj>

[2] Nate Beck. *NJ, Pa. Move For New Data Center Development Standards*, Law 360 (May 27, 2026),
<https://www.law360.com/articles/2482434/nj-pa-move-for-new-data-center-development-standards>

[3] Nyah Marshall. *This N.J. farming town is fighting back against one of the East Coast's largest AI data centers*,

SENATE, No. 3611

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED FEBRUARY 19, 2026

Sponsored by:
Senator JOSEPH P. CRYAN
District 20 (Union)

SYNOPSIS

Directs planning boards to submit certain data center development plans to BPU and State Planning Commission and requires State Planning Commission approval for data center development under MLUL; excludes data centers from economic development subsidies.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the development of data centers in the State, amending P.L.1975, c.291, and supplementing P.L.1974, c.80 (C.34:1B-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3.1 of P.L.1975, c.291 (C.40:55D-4) is amended to read as follows:

3.1. "Data center" means a facility in this State:

(1) whose primary services are the storage, management, and processing of digital data, including, but not limited to, artificial intelligence applications; and

(2) that is used to house computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems, systems for monitoring and managing infrastructure performance, Internet-related equipment and services, data communications connections, environmental controls, fire protection systems, and security systems and services.

"Days" means calendar days.

"Density" means the permitted number of dwelling units per gross area of land that is the subject of an application for development, including noncontiguous land, if authorized by municipal ordinance or by a planned development.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

"Development potential" means the maximum number of dwelling units or square feet of nonresidential floor area that may be constructed on a specified lot or in a specified zone under the master plan and land use regulations in effect on the date of the adoption of the development transfer ordinance or on the date of the adoption of the ordinance authorizing noncontiguous cluster, and in accordance with recognized environmental constraints.

"Development regulation" means a zoning ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.).

"Development restriction" means an agricultural restriction, a conservation restriction, or a historic preservation restriction.

"Development transfer" or "development potential transfer" means the conveyance of development potential, or the permission for development, from one or more lots to one or more other lots by deed, easement, or other means as authorized by ordinance.

"Development transfer bank" means a development transfer bank established pursuant to section 22 of P.L.2004, c.2 (C.40:55D-158) or the State TDR Bank.

"Drainage" means the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

"Electric vehicle supply equipment" or "electric vehicle service equipment" or "EVSE" means the equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and

controls, network interfaces, and point of sale equipment and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

"Environmental commission" means a municipal advisory body created pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.).

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

"Final approval" means the official action of the planning board taken on a preliminarily approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion, or approval conditioned upon the posting of such guarantees.

"Floor area ratio" means the sum of the area of all floors of buildings or structures compared to the total area of land that is the subject of an application for development, including noncontiguous land, if authorized by municipal ordinance or by a planned development.

"General development plan" means a comprehensive plan for the development of a planned development, as provided in section 4 of P.L.1987, c.129 (C.40:55D-45.2).

"Governing body" means the chief legislative body of the municipality. In municipalities having a board of public works, "governing body" means such board.

"Historic district" means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

"Historic preservation restriction" means a "historic preservation restriction" as defined in section 2 of P.L.1979, c.378 (C.13:8B-2).

"Historic site" means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance.

"Inherently beneficial use" means a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare. Such a use includes, but is not limited to, a hospital, school, child care center, group home, or a wind, solar or photovoltaic energy facility or structure.

"Instrument" means the easement, credit, or other deed restriction used to record a development transfer.

"Interested party" means: (a) in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrative

proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under P.L.1975, c.291 (C.40:55D-1 et seq.), or whose rights to use, acquire, or enjoy property under P.L.1975, c.291 (C.40:55D-1 et seq.), or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under P.L.1975, c.291 (C.40:55D-1 et seq.).

"Land" includes improvements and fixtures on, above or below the surface.

"Local utility" means any sewerage authority created pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.); any utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); or any utility, authority, commission, special district or other corporate entity not regulated by the Board of Regulatory Commissioners under Title 48 of the Revised Statutes that provides gas, electricity, heat, power, water or sewer service to a municipality or the residents thereof.

"Lot" means a designated parcel, tract or area of land established by a plat or otherwise, as permitted by law and to be used, developed or built upon as a unit.

(cf: P.L.2021, c.171, s.5)

2. Section 34 of P.L.1975, c.291 (C.40:55D-46) is amended to read as follows:

34. a. An ordinance requiring site plan review and approval shall require that the developer submit to the administrative officer a site plan and [such] any other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary site plan approval have been met. The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval. If any architectural plans are required to be submitted for site plan approval, the preliminary plans and elevations shall be sufficient.

b. If the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed development complies with the ordinance and [this act] P.L.1975, c.291 (C.40:55D-1 et seq.), grant preliminary site plan approval.

c. Upon the submission to the administrative officer of a complete application for a site plan which involves 10 acres of land or less, and 10 dwelling units or less, the planning board shall grant or deny preliminary approval within 45 days of the date of [such] the submission or within [such] a further time as may be consented to by the developer. Upon the submission of a complete application for a site plan which involves more than 10 acres, or more than 10 dwelling units, the planning board shall grant or deny preliminary approval within 95 days of the date of [such] the

submission or within [such] a further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted preliminary approval of the site plan.

d. A planning board that receives a complete application for a site plan for the development of a data center shall submit the site plan and all other information received from the developer to the State Planning Commission and the Board of Public Utilities, for review pursuant to subsection c. of section 38 of P.L.1975, c.291 (C.40:55D-50), the cost of which shall be determined by municipality and charged to the developer.

(cf: P.L.1984, c.20, s.8)

3. Section 36 of P.L.1975, c.291 (C.40:55D-48) is amended to read as follows:

36. a. An ordinance requiring subdivision approval by the planning board shall require that the developer submit to the administrative officer a plat and [such] any other information as is reasonably necessary to make an informed decision as to whether the requirements necessary for preliminary approval have been met; provided that minor subdivisions pursuant to section 35 of [this act] P.L.1975, c.291 (C.40:55D-47) shall not be subject to this section. The plat and any other engineering documents to be submitted shall be required in tentative form for discussion purposes for preliminary approval.

b. If the planning board required any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application for development. The planning board shall, if the proposed subdivision complies with the ordinance and [this act] P.L.1975, c.291 (C.40:55D-1 et seq.), grant preliminary approval to the subdivision.

c. Upon the submission to the administrative officer of a complete application for a subdivision of 10 or fewer lots, the planning board shall grant or deny preliminary approval within 45 days of the date of [such] the submission or within [such] a further time as may be consented to by the developer. Upon the submission of a complete application for a subdivision of more than 10 lots, the planning board shall grant or deny preliminary approval within 95 days of the date of [such] the submission or within [such] a further time as may be consented to by the developer. Otherwise, the planning board shall be deemed to have granted preliminary approval to the subdivision.

d. A planning board that receives a complete application for a major subdivision that includes development of a data center shall submit the plat and all other information received from the developer to the State Planning Commission and the Board of Public Utilities, for review pursuant to subsection c. of section 38 of P.L.1975, c.291 (C.40:55D-50), the cost of which shall be determined by municipality and charged to the developer.

(cf: P.L.1984, c.20, s.9)

4. Section 38 of P.L.1975, c.291 (C.40:55D-50) is amended to read as follows:

38. Final approval of site plans and major subdivisions.

a. The planning board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by N.J.S.46:26B-1 et seq.; provided that in the case of a planned development, the planning board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.

b. Final approval shall be granted or denied within 45 days after submission of a complete application to the administrative officer, or within [such] a further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute final approval and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by section 5 of P.L.1968, c. 285 (C. 40:27-6.3), in the case of a subdivision, or section 8 of P.L.1968, c. 285 (C. 40:27-6.6), in the case of a site plan, the municipal planning board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the county planning board or approval by the county planning board by its failure to report thereon within the required time period.

c. The planning board shall not grant final approval of a site plan or major subdivision for development of a data center unless the planning board has submitted the plan to the State Planning Commission and the State Planning Commission has granted final approval. The State Planning Commission, in consultation with the Board of Public Utilities, shall have 45 days from the date of submission by the planning board to review and approve or deny the site plan or major subdivision for the development of a data center. The State Planning Commission and Board of Public Utilities may consider the impacts and appropriateness of a proposed site plan or major subdivision with respect to the most recently adopted State Development and Redevelopment Plan, local land use and development regulations, and any laws, rules, regulations, or programs enforced or administered by the State Planning Commission or Board of Public Utilities, respectively. If the State Planning Commission does not issue an approval or denial within 45 days, the State Planning Commission shall be deemed to have granted final approval of the site

plan or major subdivision.

(cf: P.L.2013, c.106, s.12)

5. (New section) The development of a data center, as defined in section 3.1 of P.L.1975, c.291 (C.40:55D-4), shall not be eligible for any economic development subsidy.

As used in this section:

"Economic development subsidy" means the provision of an amount of funds to a recipient business by or from a State public body with a value of greater than \$25,000, including, but not limited to, any bond, grant, loan, loan guarantee, matching fund, tax credit, or other tax expenditure. "Economic development subsidy" shall not mean any contract under which a State public body purchases or otherwise procures goods, services, or construction on an unsubsidized basis, including any contract solely for the construction or renovation of a facility owned by a State public body.

6. (New section) The State Planning Commission, in consultation with the Board of Public Utilities, shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations, to effectuate the purposes of subsection c. of section 38 of P.L.1975, c.291 (C.40:55D-50).

7. This act shall take effect immediately and shall apply to applications for development of data centers submitted on or after the effective date of this act.

STATEMENT

This bill amends the "Municipal Land Use Law" to direct a planning board to submit completed preliminary site plan or major subdivision applications for the development of a data center, as defined in the bill, to the State Planning Commission (SPC) and the Board of Public Utilities (BPU). The bill also prohibits final approval of a site plan or major subdivision for development of a data center from being granted by the planning board unless the planning board has submitted the plan to the SPC and the SPC gives final approval. The SPC, in consultation with the BPU, is to have 45 days from the date of submission by the planning board to review and approve or deny the site plan or major subdivision for the development of a data center, based on the impacts and appropriateness of the proposed site plan or major subdivision. If the SPC does not issue an approval or denial within 45 days, the SPC shall be deemed to have granted final approval of the site plan or major subdivision.

The bill also provides that data centers are ineligible for any economic development subsidies,

as defined in the bill.

The provisions of the bill are to apply to applications for development of data centers submitted on or after the date of enactment.