



March 2, 2026

To: Members of the Joint Ways and Means Subcommittee on Capital Construction
Fr: Duke Shepard, Senior Policy Director
Re: Support for HB 4804 – opposing amendments

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon’s 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, more than 75% of which are small businesses, employ more than 250,000 Oregonians.

As both a fiscal and policy matter, HB 4084 requires no further amendments at this stage of the process. It has been thoroughly vetted in both the House Committee on Economic Development, Small Business and Trade, and in the House Committee on Revenue. The bill reflects the give and take of the process. This is a good bill. We urge this committee to leave HB 4084 as-is and move it forward as one small but meaningful step in addressing Oregon’s lagging competitiveness.

With specific regard to both the -21 and -24 amendments, they are unnecessary and unwise. The current data center issues in the public sphere deserve thoughtful policy conversations informed by data, evidence, and realism. These amendments do not meet that threshold. While certainly we can appreciate the temptation of the -24 amendment to simply get this hot-button issue off the table for two years and move a bill, the policy trade-off is too steep.

As a technical matter, there is no definition of data center in the -24 amendment nor a reference to an existing ORS definition. There are at least three in current law in ORS [308.505](#): “data center”, “independent data center” and “online service data center”. Likewise, in federal law, [42 U.S. Code § 17112](#) defines data center as:

(1) Data center

The term "data center" means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be—

(A) a free-standing structure; or

(B) a facility within a larger structure, that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

If this amendment passes, we seem likely to endure litigation and land use appeals aiming to micromanage how many servers per square foot of commercial or industrial spaces constitutes a “data center”.

Moreover, the Enterprise Zone program is locally administered and locally decided. Local communities can and will make the decisions on operating this incentive program that is best for their communities. A blanket ban in the standard enterprise zone program for an industry that is certainly complex but is also, realistically, intertwined with the entire economy is counterproductive. It is an overreaction in a compressed time frame.

We urge your rejection of these amendments. Please pass HB 4084 as it arrived to this committee.