

HORNECKER COWLING LLP

Attorneys at Law

John Blackhurst
Joseph E. Kellerman, LL.M.
James A. Wallan
Charles E. Bolen
Ryan J. Vanderhoof
Stefanie L. Burke*
Mark S. Bartholomew
Michael J. Mayerle
Shane J. Antholz, LL.M.
Melisa A. Button*
Leah R. Samelson

14 North Central Ave., Ste. 104
Medford, OR 97501
(541) 779-8900
Fax: (541) 779-2982
www.roguelaw.com

OF COUNSEL

Jeffrey W. Foxx

September 25, 2025

John Hassen 1939-2020
Gregory T. Hornecker 1933-2009
B. Kent Blackhurst 1922-2007
Ervin B. Hogan 1927-2000

*Also admitted in California

SENT BY EMAIL ONLY TO:
The Honorable Julie Fahey, Speaker
Oregon House of Representatives

Re: Special Session 2025

Dear Speaker Fahey:

I am writing to you today on behalf of my client, the House Republican Caucus, to express its concerns about the departure from legislative norms and practices during the first 2025 special session. Recent actions have turned long-standing expectations of transparency, coordination and legislative tradition on their heads.

The decision of the Oregon House of Representatives to adjourn *sine die* while the Senate floor session was extended in the way it was on September 3, 2025, is unprecedented. To make matters worse, not only was the Senate extended once to a “date certain” long past the traditionally understood, and constitutionally implied, three-day deadline, it was thereafter extended “indefinitely”. This is an action never taken by any legislative assembly in Oregon history. What is at least as disturbing as both of these extensions is that you are now, despite the proper adoption of *sine die* resolution by the House of Representatives, operating as if the House remains in session to this day. The gamesmanship being used to excuse this pro forma “gaveling in and out every three days”, because the Senate did not concur in the adjournment, is just that: a game. While it is questionable whether the Constitution allows such behavior, it violates the way in which those constitutional provisions have always been understood to properly operate.

Breaching these norms means that there can truly never be finality in the operation of any session, presumably as long as that Assembly is in existence, but under the precedent you are setting, even this is in question. Allowing any session of the legislature to be held open by one chamber “indefinitely” renders void any and all *sine die* resolutions by the other chamber.

HORNECKER COWLING LLP

September 25, 2025
The Honorable Julie Fahey, Speaker
Oregon House of Representatives
Page 2

As if this violation of process and, frankly, common sense, weren't bad enough, now the question arises of the meeting of interim committees, scheduled for September 29-October 1, 2025.

Interim committees, by their very name and by their ordinary operation, may only meet during the time between sessions, what was formally labeled as the interim. One of the most important reasons for the distinction between when the body "is in session" and when it is not, is to assure the public that, while the committees may be meeting, no official votes by the committee and no official action by the legislature can be taken.

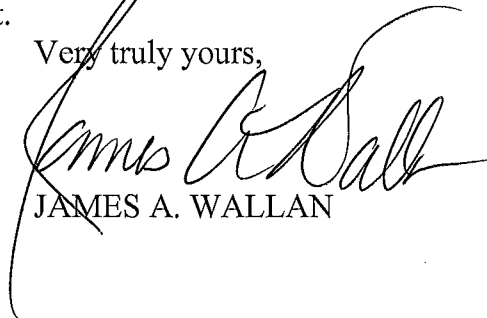
You seem to have determined that two contradictory ideas can be true. You have determined that a session can be held open indefinitely by both chambers, even though one has effected a proper *sine die* resolution. Even assuming that this can be the case and the legislature is "in session", you have also made a great leap of reason and determined that the legislature is not "in session" and it is proper to hold committee meetings of interim committees. Those positions are mutually exclusive.

Of course, it is simply not true that the legislature can simultaneously be in session and also be in the interim between sessions. If it is true, that there is no need for concurrent *sin die* resolutions, but that one chamber has the ability, by itself, to hold open a session indefinitely, then clearly, there truly can never be an "interim". *Sine die* has lost all its meaning. In fact, under your assumptions, it is unclear if or when sessions would ever end. Again, if this is true, there can never be interim committee meetings.

Please consider this a formal demand that you immediately bring the special session to an end. If you intend to hold open the special session, my client demands that you cancel the planned interim committee meetings September 29, through October 1, 2025, as it would obviously be improper to proceed while the legislature is still in session.

If you take no action to address these concerns, my client will have no choice but to consider all legal remedies available to it.

Very truly yours,



JAMES A. WALLAN

JAW/lw
cc Christine Drazan,
House Minority Leader