After line 1 of the printed resolution, insert:

"Whereas Article IV, sections 11 and 15, of the Oregon Constitution, direct the House of Representatives to determine its own rules of proceeding and to discipline its members; and

"Whereas the House of Representatives adopted rules of proceeding when it convened in organizational session on January 11, 2021; and

"Whereas Legislative Branch Personnel Rule 27 is among the rules adopted by the House of Representatives during its organizational session; and

"Whereas Rule 27 memorializes the commitment of the House of Representatives to providing a safe and respectful workplace and to taking proactive steps to improve the culture of the State Capitol so that behavior from any source that has a negative impact on the workplace may be effectively addressed and resolved; and

"Whereas Rule 27 establishes standards of conduct applicable to the House of Representatives that prohibit conduct that constitutes harassment or sexual harassment and that creates a hostile work environment, and prohibits conduct that is retaliation; and

"Whereas legislative branch personnel received reports regarding the conduct of Representative Diego Hernandez; and

"Whereas Rule 27 requires an independent investigator unaffiliated with the legislative branch to be appointed to conduct an investigation and determine findings of fact relevant to the allegations when a report is made concerning the conduct of a member of the House of Representatives and the reported conduct, on its face, could violate Rule 27; and

"Whereas an independent investigator was appointed to investigate the allegations against Representative Hernandez, and the investigator interviewed impacted parties and witnesses, interviewed Representative Hernandez twice and examined written records; and

"Whereas the investigator prepared and submitted to the House Committee on Conduct a report setting forth the investigator's findings of fact concerning Representative Hernandez's interactions with five individuals; and

"Whereas the House Committee on Conduct conducted four days of hearings from February 1 to 4, 2021, at which the investigator presented the investigator's findings, at which Representative Hernandez, through counsel, presented for the committee's consideration his views on the allegations and on investigation and committee procedures, and at which impacted parties who elected to testify were able to do so; and

"Whereas the House Committee on Conduct had opportunity to and asked clarifying questions
of the investigator; and

“Whereas after due deliberation, the House Committee on Conduct determined that Representative Hernandez’s conduct constituted 18 violations of the standards of conduct established for members of the House of Representatives related to sexual harassment and workplace harassment, involving three separate individuals; and

“Whereas the House Committee on Conduct held an additional hearing on February 5, 2021, to deliberate on and recommend to the House of Representatives appropriate discipline of Representative Hernandez; now, therefore,”.

Delete lines 3 through 5 and insert:

“That we, the members of the House of Representatives of the Eighty-first Legislative Assembly, find that Representative Diego Hernandez has engaged in disorderly behavior within the meaning of Article IV, section 15, of the Oregon Constitution; and be it further

“Resolved, That with the concurrence of two-thirds of the members of the House of Representatives, Representative Hernandez be expelled from the House of Representatives and that Representative Hernandez’s seat be considered vacant.”.