

JOURNAL OF THE HOUSE

Sixty-seventh Legislative Assembly

* * * * *

Bismarck, March 4, 2021

The House convened at 1:00 p.m., with Speaker K. Koppelman presiding.

The prayer was offered by Pastor Kai Hardee, Gateway Fellowship, Bismarck.

The roll was called and all members were present except Representative Heinert.

A quorum was declared by the Speaker.

MOTION

REP. LOUSER MOVED that the rules be suspended and moved the introduction of HR 21.3117.01000, and that the resolution be read, printed in the journal, and referred to the **Committee of the Whole** for their immediate consideration, which motion prevailed on a verification vote.

FIRST READING OF HOUSE RESOLUTION

Reps. Pollert, Boschee introduced:

HR 5001: A resolution calling for the expulsion of Representative Luke Simons, District 36, as a member of the Legislative Assembly for conduct unbecoming of a legislator. Was read the first time and referred to the **House Committee of the Whole**.

HOUSE RESOLUTION NO. 5001

A resolution calling for the expulsion of Representative Luke Simons, District 36, as a member of the Legislative Assembly for conduct unbecoming of a legislator.

WHEREAS, Joint Rule 1001 of the *2021 Legislative Rules* provides the Legislative Assembly "seeks a high reputation for progressive accomplishment where its members are public officers of integrity and dedication, maintaining high standards of ethical conduct" and "[e]thical conduct is expected of all who participate in the legislative process"; and

WHEREAS, Joint Rule 1001 further provides "[i]f public confidence is to be maintained...it is not enough that members avoid acts of misconduct" but also "must avoid acts that may create an appearance of misconduct"; and

WHEREAS, Joint Rule 1002 provides the Legislative Assembly should define ethical standards "to chart the areas of real or apparent impropriety" and "in striving to maintain ethical standards, each member should recognize the importance of...[c]omplying with all other rules relating to ethics, including Joint Rule 901 regarding workplace harassment"; and

WHEREAS, Joint Rule 901 provides "the Legislative Assembly is committed to providing a healthy and appropriate work environment for legislators, legislative employees, and other state employees which is free from workplace harassment" and "harassment in any manner will not be tolerated"; and

WHEREAS, Section 561(1) of Mason's Manual of Legislative Procedure provides "[a] legislative body has the right to regulate the conduct of its members and may discipline a member as it deems appropriate, including reprimand, censure or expulsion"; and

WHEREAS, Representative Simons has exhibited a history of hostile, threatening, and inappropriate behavior, most frequently toward women; and

WHEREAS, in an article published by the *Fargo Forum* on February 25, 2021, Representative Simons is quoted as stating "I guess that was sexual harassment" in regard to a previous encounter Representative Simons had with a member of the Legislative Council staff; and

WHEREAS, in a recording produced by Representative Simons, Representative Simons admits making a heated statement containing multiple expletives directed at a female member of the House of Representatives, in the plain view of the public, in a crowded area on the Capitol grounds while the Legislative Assembly was convened for the 2021 legislative session; and

WHEREAS, numerous other reports of inappropriate behavior from Representative Simons have been publicized which demonstrate a concerning pattern of behavior that corrupts the integrity of the legislative branch; and

WHEREAS, it is the responsibility of the House of Representatives to ensure a safe working environment;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA:

That condoning such hostile, threatening, and inappropriate behavior from a member of the House of Representatives undermines the integrity of the House of Representatives and the Legislative Assembly as a whole; and

BE IT FURTHER RESOLVED, that pursuant to Section 12 of Article IV of the Constitution of North Dakota, either house may punish its members for disorderly behavior and expel a member with the concurrence of two-thirds of its elected members; and

BE IT FURTHER RESOLVED, that Representative Simons be expelled as a member of the Legislative Assembly; and

BE IT FURTHER RESOLVED, that this resolution be entered in the journal and the Secretary of State forward a copy of this resolution to the chairman of the District 36 Republican District Committee.

APPOINTMENT

SPEAKER K. KOPPELMAN APPOINTED Donna Whetham to take minutes of the **Committee of the Whole**.

MOTION

REP. KASPER MOVED that Speaker K. Koppelman preside over the **Committee of the Whole**.

ROLL CALL

The question being on the motion that Speaker K. Koppelman preside over the **Committee of the Whole**, the roll was called and there were 47 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Becker; Bellew; Brandenburg; Christensen; Cory; Damschen; Ertelt; Fegley; Fisher; Hatlestad; Hoverson; Johnson, M.; Jones; Kading; Kasper; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Meier; Nehring; Owens; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Schauer; Schneider; Schobinger; Simons; Skroch; Steiner; Toman; Trotter; Tveit; Vetter; Westlind; Speaker Koppelman, K.

NAYS: Adams; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Buffalo; Delzer; Devlin; Dobervich; Dockter; Guggisberg; Hager; Hagert; Hanson; Headland; Howe; Ista; Johnson, D.; Karls; Keiser; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schmidt; Schreiber-Beck; Stemen; Strinden; Thomas; Vigasaa; Weisz; Zubke

ABSENT AND NOT VOTING: Heinert

The motion that Speaker K. Koppelman preside over the **Committee of the Whole** prevailed.

MOTION

REP. POLLERT MOVED that the House suspend House Rule 701 and resolve itself into a **Committee of the Whole** to consider HR 21.3117.01000, which motion prevailed on a verification vote.

ANNOUNCEMENT

SPEAKER K. KOPPELMAN ANNOUNCED that the House of Representatives come back to order.

When the **Committee of the Whole** arose, it submitted the following report:

REPORT OF STANDING COMMITTEE

HR 5001: House Committee of the Whole (Rep. K. Koppelman, Chairman) recommends **DO PASS** (66 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING). HR 5001 was placed on the Eleventh order on the calendar.

MOTION

REP. LOUSER MOVED that the committee report from the **Committee of the Whole** be

received by the House, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that HR 5001 be placed on the Eleventh order and be moved to the top of the calendar, which motion prevailed on a voice vote.

SECOND READING OF HOUSE RESOLUTION

HR 5001: A resolution calling for the expulsion of Representative Luke Simons, District 36, as a member of the Legislative Assembly for conduct unbecoming of a legislator.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 69 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke

NAYS: Becker; Bellew; Christensen; Ertelt; Fegley; Fisher; Hoverson; Jones; Kasper; Koppelman, B.; Magrum; Marschall; Owens; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Steiner; Toman; Tveit; Speaker Koppelman, K.

HR 5001 was declared adopted on a recorded roll call vote.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HCR 3005, HCR 3010, HCR 3020.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1026, HB 1038, HB 1040, HB 1044, HB 1046, HB 1052, HB 1055, HB 1061, HB 1066, HB 1068, HB 1069, HB 1070, HB 1085, HB 1102.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1029.

MOTION

REP. LOUSER MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, March 5, 2021, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HCR 3039: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3039 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2039: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2039 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2049: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2049 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2050: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2051: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2051 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2053, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2053 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2066: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2066 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2123: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2123 was placed on the Sixth order on the calendar.

Page 1, line 2, after "records" insert "; and to declare an emergency"

Page 1, after line 17, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2175: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2175 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2254: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2260: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2260 was placed on the Fourteenth order on the calendar.

The House stood adjourned pursuant to Representative Louser's motion.

Buell J. Reich, Chief Clerk