

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE RESOLUTION NO. 5001
(Representatives Pollert, Boschee)

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.

Speaker of the House

Chief Clerk of the House

Filed in this office this _____ day of _____, 2021,
at _____ o'clock _____ M.

Secretary of State