

**2025 HOUSE POLITICAL SUBDIVISIONS**

**HCR 3037**

# 2025 HOUSE STANDING COMMITTEE MINUTES

## Political Subdivisions Committee Room JW327B, State Capitol

HCR 3037  
4/3/2025

A concurrent resolution directing the Legislative Management to consider studying the feasibility of establishing mandatory reporting requirements for public officials, an investigative body for allegations of child exploitation and abuse involving public officials, and severe penalties for public officials who engage in, enable, or conceal child exploitation.

9:01 a.m. Chairman Longmuir called the meeting to order.

Members Present: Chairman Longmuir, Vice-Chairman Fegley, Vice-Chairman Jonas, Representatives Bolinske, Davis, Hager, Hatlestad, Heilman, Klemin, Motschenbacher, Ostlie, Toman, Warrey

### Discussion Topics:

- Public reporters
- Inclusion of Christian scripture in the bill
- North Dakota ethics commission
- Current child abuse laws

9:02 a.m. Representative Nico Rios, North Dakota Representative for District 23, introduced the bill and provided testimony #44603.

9:22 a.m. Derek Turbide, North Dakota Young Republicans, testified in favor and provided testimony #44610.

9:41 a.m. Representative Hager moved to Amend and remove the references to scripture from lines 8-10 and 12-14.

9:42 a.m. Representative Jonas seconded the motion.

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	N
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	N
Representative Matthew Heilman	N
Representative Lawrence R. Klemin	A
Representative Mike Motschenbacher	N
Representative Mitch Ostlie	Y
Representative Nathan Toman	N

Representative Jonathan Warrey	Y
--------------------------------	---

9:47 a.m. Motion passed 7-5-1

9:50 a.m. Representative Heilman moved a Do Pass as Amended.

9:51 a.m. Representative Bolinske seconded the motion.

9:59 a.m. Representative Heilman withdrew his motion.

9:59 a.m. Representative Heilman moved to further Amend and remove page 1 line 21 through page 2 line 26 and replace it with a statement urging the 70<sup>th</sup> legislative assembly to consider enacting legislation to make public officials mandatory reporters.

10:03 a.m. Representative Ostlie seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

10:06 a.m. Motion passed 13-0-0

10:06 a.m. Representative Ostlie moved a Do Pass as Amended.

10:06 a.m. Representative Heilman seconded the motion.

<b>Representatives</b>	<b>Vote</b>
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jim Jonas	Y
Representative Macy Bolinske	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Matthew Heilman	Y
Representative Lawrence R. Klemin	Y

Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

10:09 a.m. Motion passed 13-0-0

10:09 a.m. Representative Heilman will carry the bill.

**Additional written testimony:**

Kimberly Hurst, Williston, North Dakota, submitted testimony in favor #44595

Corey Johnson, Williston, North Dakota, submitted testimony in favor #44596

Lanny Kenner, Bismarck, North Dakota, submitted testimony in favor #44598

Sharlet Mohr, District 23 GOP, submitted testimony in favor #44599

Karen Krenz, Williston, North Dakota, submitted testimony in favor #44600

Susan Draper, Bismarck, North Dakota, submitted testimony in favor #44601

Andrew Alexis Varvel, Bismarck, North Dakota, submitted testimony in opposition #44597

10:09 a.m. Chairman Longmuir closed the hearing.

*Wyatt Armstrong, Committee Clerk*

April 3, 2025

Sixty-ninth  
Legislative Assembly  
of North Dakota

**PROPOSED AMENDMENTS TO**

VC 4/3/25  
1 of 2

**HOUSE CONCURRENT RESOLUTION NO. 3037**

Introduced by

Representative Rios

(Approved by the Delayed Bills Committee)

1 A concurrent resolution ~~directing the Legislative Management to consider studying the feasibility~~  
2 ~~of establishing~~ urging the Seventieth Legislative Assembly to consider enacting mandatory  
3 reporting requirements for public officials, ~~an investigative body for allegations of child~~  
4 ~~exploitation and abuse involving public officials, and severe penalties for public officials who~~  
5 ~~engage in, enable, or conceal child exploitation.~~

6 **WHEREAS**, the protection of children and vulnerable populations is a fundamental  
7 responsibility of government; and

8 **WHEREAS**, individuals entrusted with positions of leadership and authority bear a greater  
9 responsibility to uphold justice and protect the vulnerable, ~~as noted in Luke 12:48, "From~~  
10 ~~everyone who has been given so much, much will be demanded; and from the one who has~~  
11 ~~been entrusted with much, much more will be asked";~~ and

12 **WHEREAS**, child exploitation, abuse, and trafficking are among the most heinous crimes,  
13 ~~as noted in Matthew 18:6, "But whoso shall offend one of these little ones which believe in me,~~  
14 ~~it were better for him that a millstone were hanged about his neck, and that he were drowned in~~  
15 ~~the depth of the sea";~~ and

16 **WHEREAS**, a public official who participates in, enables, or knowingly conceals child  
17 exploitation has betrayed his or her oath of office, contributed to the destruction of innocent  
18 lives, and allowed evil to thrive under the protection of power and privilege; and

19 **WHEREAS**, the concealment of and participation in child exploitation within governmental  
20 institutions represents a severe breach of duty that demands heightened accountability,  
21 including criminal penalties and permanent removal from public service;



1       **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF**  
2       **NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

3       That the ~~Legislative Management consider studying the feasibility of establishing mandatory~~  
4       ~~reporting requirements for public officials, an investigative body for allegations of child~~  
5       ~~exploitation and abuse involving public officials, and severe penalties for public officials who~~  
6       ~~engage in, enable, or conceal child exploitation; and~~

7       ~~— **BE IT FURTHER RESOLVED**, that the study include an examination of the implementation~~  
8       ~~of investigative and oversight measures, including the feasibility of the creation of a Special~~  
9       ~~Investigation Task Force within the Attorney General's office with the powers to investigate~~  
10       ~~allegations of child exploitation or abuse involving public officials, and a comprehensive review~~  
11       ~~of legislative powers in other states to assess whether similar powers should be adopted in this~~  
12       ~~state to address corruption, criminal conduct, or concealment of child exploitation; and~~

13       ~~— **BE IT FURTHER RESOLVED**, that the study include an examination of accountability~~  
14       ~~measures, including consideration of statutory changes to establish penalties and mandatory~~  
15       ~~minimum sentences for public officials found to have participated in or concealed child~~  
16       ~~exploitation, facilitated ongoing abuse, or retaliated against individuals for reporting such~~  
17       ~~offenses; and additional penalties for such offenses, including removal from office, forfeiture of~~  
18       ~~retirement benefits, and permanent disqualification from holding public office; and~~

19       ~~— **BE IT FURTHER RESOLVED**, that the study include strategies to ensure the safety and~~  
20       ~~confidentiality of victims, witnesses, and whistleblowers; and~~

21       ~~— **BE IT FURTHER RESOLVED**, that the study include an assessment of the financial and~~  
22       ~~administrative impacts of any reforms; and~~

23       ~~— **BE IT FURTHER RESOLVED**, that the Legislative Management engage with stakeholders,~~  
24       ~~including child welfare organizations, law enforcement agencies, the Department of Health and~~  
25       ~~Human Services, the Attorney General's office, victim advocacy groups, legal experts on ethics~~  
26       ~~and government accountability, individuals with experience investigating child exploitation~~  
27       ~~cases, and experts in criminal sentencing, public corruption law, and legislative oversight; and~~

28       ~~— **BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and~~  
29       ~~recommendations, together with any legislation required to implement the recommendations, to~~  
30       ~~the~~Sixty-ninth Legislative Assembly urges the ~~Seventieth Legislative Assembly to consider~~  
31       enacting legislation to make public officials mandatory reporters.

**REPORT OF STANDING COMMITTEE  
HCR 3037**

**Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **AMENDMENTS** ([25.3111.03001](#)) and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HCR 3037 was placed on the Sixth order on the calendar.

Members of the North Dakota Legislative Assembly,

I am asking that you please DO PASS HCR 3037 to demand accountability—accountability for your failure to consistently represent the interests of the people you are sworn to serve, most notably the children of North Dakota, who remain some of the most vulnerable members of our society.

The resolution stands as a clarion call to end the moral cowardice, the abdication of responsibility, and the alarming neglect of your duty to protect children from harm. It is no longer acceptable to sit idly by while those in positions of power betray the very people who entrust them with their votes and their trust. As elected officials, your primary responsibility is to safeguard the well-being of your constituents, especially the most defenseless among us—our children. Yet, time and time again, your actions—or lack thereof—have failed to meet that basic, fundamental duty.

Senator Ray Holmberg's disgraceful behavior should serve as an indelible stain on the moral fabric of this body. His complete disregard for the safety and security of children, his refusal to take a stand when it mattered most, and his actions that betrayed the core values of responsibility and integrity are an embarrassment to this state. His actions are not just an isolated failure—they represent a larger pattern of neglect exhibited by far too many in this legislative body. When it comes to the protection of our children, you have not acted with the urgency, dignity, or moral clarity that the situation demands.

North Dakota's children cannot advocate for themselves. They rely on you, their so-called "leaders," to act in their best interest. They depend on you to pass laws that provide protection, security, and the guarantee that their basic rights will not be trampled. Why did it take such a disgusting act of one North



Dakotan Senator to have this resolution before you? It should've already been written. HCR 3037 represents a chance to right these wrongs, to hold accountable those who failed to fulfill their duties, and to demand that the welfare of children be placed above political self-interest. There should be no hesitation, no equivocating, no refusal to act.

If you truly believe in your roles as public servants, then I urge you to have the courage, the integrity, and the decency to do the right thing. Do not hide behind empty words and hollow promises. Stand up and *do* what is required to protect children. The least you can do is have enough dignity to provide for their safety, something that Senator Holmberg clearly failed to do. Let this resolution pass, and let it pass with the strength of purpose and resolve that your role demands.

The North Dakota legislative body has repeatedly demonstrated an alarming inability to prioritize the protection of children. HCR 3037 offers a direct challenge to this failing, and it is imperative that you rise to the occasion. Do not waste this opportunity.

I strongly urge the passage of HCR 3037. It is long overdue. Do not turn your back on the most vulnerable among us any longer.

Thank you for your attention to this matter.

Kimberly Hurst

April 3rd, 2025

House Political Subdivisions Committee  
600 East Boulevard Avenue  
Bismarck, ND 58505

RE: Support for HCR 3037

Chairman Longmuir and Committee Members,

My name is Corey Johnson, and I reside in District 23 in Williston. I also serve as the Chairman for the District 23 GOP. I submit this written testimony to you in support of HCR 3037 and hope that Legislative Management takes on the critical task outlined within.

The Declaration of Independence states:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

The founders further describe the purpose of their new government as:

“...laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness”

The founding documents of our great nation further build on the principle that the primary purpose of government is to provide for the protection and general welfare of its people and to ensure that all have equal access to the unalienable right to life, liberty, and the pursuit of happiness.

Children are our most precious and valuable population, but also our most vulnerable. Child abuse and exploitation is a heinous crime, but even more so when it is done by those who have sworn the oath of office to protect them. Serving as a public official is an honor and a privilege that demands the highest level of accountability. When persons of influence and power are not held accountable, their actions, by default, are condoned.

I ask for your support in recommending HCR 3037 to the House floor with a “Do Pass” recommendation. I also ask that you further support this resolution by encouraging Legislative Management to take on the study described within.

Thank you for your time and consideration of this critical resolution. Feel free to contact me if you wish to discuss this testimony further.

Sincerely,

A handwritten signature in black ink, reading "Corey A. Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Corey A. Johnson,  
(701) 570-4018  
cajohnson911@gmail.com

Chairman Longmuir and Members of the  
House Political Subdivisions Committee:

My name is Andrew Alexis Varvel. I live in Bismarck now.

House Concurrent Resolution 3037 expresses a laudable sentiment.

When I was a high school student at Grand Forks Central, Senator Holmberg was my high school counselor. I feel grateful that he kept his hands to himself around me. I also feel saddened about the boys and young men that he succeeded at abusing. Accountability is necessary.

The responsibility for policing unethical behavior from elected officials ought to belong to the Ethics Commission. This unethical behavior includes sexual abuse by elected officials, not only monetary corruption.

This is what the electorate voted for in 2018 – over six years ago.

If the Ethics Commission does not already have this responsibility, please add this responsibility to the Ethics Commission.

Feel free to use this resolution as a vehicle for language that would update the Ethics Commission's responsibilities. That may include changing this resolution into a proposed constitutional amendment.

The present language of this resolution is suboptimal, so unless this resolution gets significantly changed, our state would be better off if this does not get passed. As presently written, it deserves a recommendation of **DO NOT PASS** from your committee.

Thank you.

Lanny Kenner  
District 7

Chairman Longmuir and committee members,

I am urging all YES votes for HCR3037.

We need to pass this resolution for the safety of children! Actually all this does is study if it is feasible to establish mandatory reporting requirements when public officials are accused of exploitation of a child.

It also would set up an investigative body.

Our children are our future and are so very precious! Please do not put the safety of children less important than the extra work this would bring!

May God Bless the children and may God Bless this committee with the wisdom to do what is right.

Please vote YES on HCR 3037.

Thank you, Lanny Kenner

## Testimony in Support of a Do Pass on HRC 3037

Chairperson and Members of the Committee,

I'm Sharlet Mohr, District 23 GOP Board Member, writing to express my deep frustration with this legislative session and to urge a Do Pass on HRC 3037. I considered testifying in person, but given the Legislature's recent inaction on critical issues, I've lost faith in the impact of such efforts.

The failure to protect our children is indefensible. Despite evidence and public demand, you've neglected measures to ensure their safety and future. On public health, you've ignored the fluoridation of our water, while other states act. and allowed geoengineering to pollute our air, soil, and water unchecked. When pressed, the response was, "Let's let RFK deal with it." D.C. knows. North Dakota knows. People are watching.

Instead of solutions, you've raised taxes, burdening families without delivering the protections they deserve. Proposing a two-year study on well-documented issues is a wasteful delay tactic—action is needed now. HRC 3037 is a vital step to address these failures, from safeguarding our kids to halting environmental harm.

You were elected to be our voice, not the opposition's. You breathe this air, drink this water, and raise your families here too. I urge a Do Pass on HRC 3037 to restore trust and prove this session isn't another letdown.

HRC 3037 offers a concrete step to protect our children.

It's time to act on the job you were elected to do.

Thank you,  
Sharlet Mohr



Thank you for the opportunity to send in my testimony. My name is Karen Krenz, I am from District 1 in Williston. I am asking that you render a DO PASS for HCR 3037.

Our children need to be protected! We need to step up and protect the most vulnerable. A subject that many of us do not want to talk about is child trafficking, not a peasant subject or thought that grown adults are forcing children to have sex with them. Many of these adults don't have any consequences. As we have seen, it could be the neighbor down the street. Stand up and do what is right! Protect our children!

Thank you for your service to the state of North Dakota.

Karen Krenz

**Do Pass Testimony of Susan Draper, Citizen of North Dakota on HCR 3013**

Chairman Klemin and members of the committee, thank you for the opportunity to testify on this reading.

I firmly believe that marriage between a man and a woman is not only a fundamental institution but is also rooted in the principles of our Constitution. From the founding of our nation, the legal and moral framework of marriage has been recognized as a union between a man and woman, designed to provide stability for individuals, families, and society as a whole.

The Constitution does not explicitly define marriage, but historically, both state and federal laws have upheld the traditional definition of marriage as between a man and a woman. This understanding is based on the foundational belief that marriage serves a unique purpose: to unite a man and a woman in a committed relationship that often leads to the creation and nurturing of children. This natural family structure has been recognized as the cornerstone of a stable and prosperous society.

Furthermore, the Tenth Amendment grants states the power to regulate marriage laws, and for much of our history, states have overwhelmingly defined marriage as between one man and one woman. Even when the federal government has intervened, such as with the Defense of Marriage Act (DOMA) in 1996, the intent was to preserve the traditional understanding of marriage as it had always been recognized in American law.

The Founding Fathers established our nation on principles of natural law, which aligns with the biological and social realities of marriage. The idea that marriage is between a man and a woman was not seen as controversial but as essential for maintaining a strong, moral, and structured society. The stability provided by this union ensures that children are raised in environments with both a mother and a father, which research has shown to be beneficial for their development.

While legal interpretations of marriage have changed over time, I stand by the belief that the original design and intent of marriage—both in law and in practice—should be honored and upheld. The Constitution was created to safeguard the values that make our nation strong, and marriage between a man and a woman is one of those foundational values.

For these reasons, I would ask for a do pass for HCR 3013 a union between a man and a woman, as it aligns with the principles of our Constitution and the moral framework upon which our country was built.

Susan Draper

Bismarck, ND

## Who Must Report: Mandated Reporters in North Dakota

North Dakota law requires certain types of professionals who provide healthcare or services to a vulnerable adult to report abuse, neglect, and exploitation of vulnerable adults.

- Qualified individual (*means any agent, investment adviser representative, or person who serves in a supervisory, compliance or legal capacity for a broker-dealer or investment advisor*)
- Clergy (*NOTE: not required if knowledge is gained as a spiritual advisor*)
- Addiction counselor
- Caregiver
- Chiropractor
- Congregate care personnel
- Coroner
- Counselor
- Dental hygienist
- Dentist
- Emergency medical personnel
- Family therapist
- Firefighter
- Hospital personnel
- Law enforcement officer
- Marriage therapist
- Medical examiner
- Mental health professional
- Nurse
- Nursing home personnel
- Occupational therapist
- Optometrist
- Other professional
- Pharmacist
- Physical therapist
- Physician
- Podiatrist
- Social worker

## Others Who May Report

- Any other person may voluntarily report to the North Dakota Department of Health & Human Services or to law enforcement.

## When to Report

- A mandated reporter **must report** if in an official or professional capacity, he or she:
  - has knowledge that a vulnerable adult has been subjected to abuse or neglect, or
  - observes a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect.
- **IMPORTANT: A mandated reporter is required to report as soon as possible.**

## What to Include in the Report *(to the extent reasonably possible)*

- Name, age, and address of the alleged vulnerable adult.
- Name and address of the caregiver (if any).
- Nature and extent of the alleged abuse or neglect or the conditions and circumstances that would reasonably be expected to result in abuse or neglect.
- Any evidence of previous abuse or neglect.
- Any other information that, in the reporter's opinion, may be helpful in establishing the cause of the alleged abuse or neglect and the identity of the person responsible for the alleged abuse or neglect.

**FAILURE TO REPORT:** Any person required to report who willfully fails to do so may be guilty of an infraction and subject to a fine up to \$1,000.

**SEE PAGE 2 →**

## How to Report Suspected Abuse, Neglect, or Financial Exploitation:

- **URGENT:** If a vulnerable adult is in **immediate danger**, call law enforcement **NOW** and afterwards report concerns to Vulnerable Adult Protective Services by:
  - Filing a report **online** at: <https://bit.ly/3vbYbEj>
  - Completing and submitting the reporting form  
<https://www.hhs.nd.gov/sites/www/files/documents/featured-area/sfn01607.pdf>
    - Via email to [dhsvaps@nd.gov](mailto:dhsvaps@nd.gov) or fax to 701.328.8744
  - Contacting the Vulnerable Adult Protective Services Central Intake Line toll-free at **1-855-462-5465, Option 2**. Messages can be left for intake staff.

### Online Training for Mandatory Reporters

- Mandatory reporters may receive one Continuing Education Unit (CEU) for completion of the online training found here: [Reporter Training \(nd.gov\)](#)

### Additional Resources

- For more information, please visit [www.nd.gov/dhs/services/adultsaging](http://www.nd.gov/dhs/services/adultsaging).



# Mandatory Reporting of Child Abuse and Neglect - North Dakota

**DATE: MAY 2023**

## **Professionals Required to Report**

**Citation: Cent. Code §§ 50-25.1-03; 25-01-01**

The following professionals are required to report:

- Dentists, dental hygienists, optometrists, medical examiners or coroners, or any other medical or mental health professionals
- Tier 1, tier 2, tier 3, or tier 4 mental health professionals, as defined under § 25-01-01
- Religious practitioners of the healing arts
- Schoolteachers, administrators, or school counselors
- Child care workers or foster parents
- Police or law enforcement officers, juvenile court personnel, probation officers, or division of juvenile services employees
- Licensed social workers, family services specialists, or child care licensors
- Members of the clergy

Mental health professionals are classified as follows:

- Tier 1 mental health professionals include licensed psychiatrists, psychologists, physicians, or physician assistants, and advanced practice registered nurses.
- Tier 2 mental health professionals include licensed independent clinical social workers, professional clinical counselors, marriage and family therapists, addiction counselors, and registered nurses.
- Tier 3 mental health professionals include licensed associate professional counselors, master social workers, baccalaureate social workers, professional counselors, associate marriage and family therapists, occupational therapists, practical nurses, behavior analysts, vocational rehabilitation counselors, school psychologists, and human relations counselors.
- Tier 4 mental health professionals include direct care associates or technicians.

## **Training Requirements for Mandatory Reporters**

Training for mandatory reporters is not addressed in the laws and policies reviewed.

The North Dakota Department of Health and Human Services provides an overview of the reporting process on its webpage [North Dakota Child Protection Program](#) and offers training for mandatory reporters through an online tool, [Interactive Training for Mandated Reporters](#).

**Reporting by Other Persons****Citation: Cent. Code § 50-25.1-03**

Any person who has reasonable cause to suspect a child is abused or neglected or has died as a result of abuse or neglect may report such circumstances to the North Dakota Department of Health and Human Services or authorized agent.

A person who has knowledge of or reasonable cause to suspect a child is abused or neglected based on images of sexual conduct by a child discovered on a workplace computer shall report the circumstances to the department or authorized agent.

**Institutional Responsibility to Report****Citation: Cent. Code §§ 50-25.1-04; 50-25.1-09.1**

The chief administrator of an entity employing more than 25 individuals who are required to report suspected child abuse or neglect may designate an agent within the entity to file reports of suspected child abuse or neglect on behalf of the staff members and volunteers. Under no circumstances may a designated agent to whom such report has been made impose conditions, including prior approval or prior notification, upon a staff member or volunteer reporting suspected child abuse or neglect or exercise any control, restraint, or modification, or make any changes to the information provided by the staff member or volunteer. A report filed by the designated agent must include the first and last name, title, and contact information for every staff member or volunteer who is believed to have direct knowledge of the facts surrounding the report. A single report from the designated agent is adequate to meet the reporting requirement on behalf of staff members and volunteers.

If a staff member or volunteer makes a report of suspected child abuse and neglect to a designated agent of an entity, and the designated agent files a report on behalf of the staff member or volunteer, the staff member or volunteer will be considered fully compliant with the reporting requirements in this chapter. However, this section does not preclude the staff member or volunteer from also reporting the suspected child abuse and neglect directly to the department or authorized agent. A staff member or volunteer reporting suspected child abuse or neglect who has knowledge the designated agent has failed to report on behalf of the staff member or volunteer immediately shall make a report directly to the department or authorized agent.

An employer is prohibited from retaliating against an employee solely because the employee in good faith reported having reasonable cause to suspect that a child was abused or neglected or died as a result of abuse or neglect or because the employee is a child with respect to whom a report was made.

There is a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this subsection, an 'adverse action' is action taken by an employer against the individual making the report or the child with respect to whom a report was made, including any of the following:



- Discharge, suspension, termination, or transfer from any facility, institution, school, agency, or other place of employment
- Discharge from or termination of employment
- Demotion or reduction in remuneration for services
- Restriction or prohibition of access to any facility, institution, school, agency, or other place of employment or individuals affiliated with it

### **Standards for Making a Report**

**Citation: Cent. Code § 50-25.1-03**

A report is required when a reporter has knowledge of or reasonable cause to suspect that a child is abused or neglected, if the knowledge or suspicion is derived from information received by that person in that person's official or professional capacity.

A person who has knowledge of or reasonable cause to suspect that a child is abused or neglected based on images of sexual conduct by a child discovered on a workplace computer shall report the circumstances to the department.

### **Privileged Communications**

**Citation: Cent. Code §§ 50-25.1-03; 50-25.1-10**

A member of the clergy is not required to report such circumstances if the knowledge or suspicion is derived from information received in the capacity of spiritual adviser.

Any privilege of communication between spouses or between any professional person and the person's patient or client, except between attorney and client, cannot be used as grounds for failing to report.

### **Inclusion of the Reporter's Name in the Report**

**Citation: Cent. Code §§ 50-25.1-04**

A report filed by the designated agent must include the first and last name, title, and contact information for every staff member or volunteer who is believed to have direct knowledge of the facts surrounding the report.

### **Disclosure of the Reporter's Identity**

**Citation: Cent. Code § 50-25.1-11**

All reports are confidential and must be made available to a parent, the child's guardian, and any person who is the subject of a report provided that the identity of persons reporting or supplying information is protected.

A report made under this chapter, as well as any other information obtained, is confidential and must be made available to any person who is the subject of the report provided that the identity of persons reporting or supplying information is protected until the information is needed for use in an administrative proceeding arising out of the report.

**Chairman Longmuir and Members of the House Political Subdivisions Committee,**

The North Dakota Young Republicans rise in support of House Concurrent Resolution 3037 and respectfully urge the committee to render a unanimous Do Pass recommendation.

HCR 3037 was crafted by our NDYR Policy Team in response to the recent revelations regarding former State Senator Ray Holmberg's depraved life, and the systems that allowed it to go unchecked. While some political commentators have already attempted to sow division and distrust around this legislation, the North Dakota Young Republicans stand firm; this is a sincere effort to protect children, and we hope lawmakers will treat it accordingly.

As much as we wish it weren't the case, the sentencing memo in Holmberg's case made it clear that he hid behind power and privilege and that his status as a public official enabled, or at the very least emboldened, his wickedness. This is deeply troubling to us, and it directly affects our organization.

Later this month, we will host NDYR Day at the Capitol. Dozens of NDYR members, their friends, and families will be in attendance, touring the building, learning about the legislative process, and sitting on the floor with legislators. Many of our members have young children and younger siblings who we actively encourage to attend our events such as this. We believe the political process should be accessible to all ages. It should be something families can experience together.

We crafted this legislation and rise in support to take a stand for our *youngest* Republicans. It is not enough for us to return to our membership, as we hope it is not enough for you to return to your constituents, and say, *"Well, there was one bad apple. I hope it doesn't happen again. Just don't bring your children. Don't bring your younger siblings. There are a lot of rumors, but who can really know?"*

We must do more. We must take action to ensure that government is a place where every North Dakotan feels safe to participate no matter their age.

Our NDYR Policy Team made efforts to draft bills implementing many of the ideas proposed in HCR 3037 but quickly realized the complexity of the issue. We did not have the time this late into session or the resources to meet with stakeholders, refine changes to the penal code, or establish comprehensive oversight and reporting mechanisms. Simply put, we realized we do not have all the answers.

Our idea is simple, but to bring it to life, we will need your help, and the help of an interim committee, to ensure that this legislation is thoughtfully and effectively developed. We have focused on three pillars we believe are foundational to protecting children: Accountability, Oversight, and Transparency.

## **Accountability**

As written in Luke 12:48, *"From everyone who has been given so much, much will be demanded; and from the one who has been entrusted with much, much more will be asked."*

Public officials are entrusted with the wellbeing of our state and its communities. That trust must be treated with the utmost seriousness. When that trust is broken, especially in crimes against children, it demands a proportionate response.

We have proposed enacting severe mandatory minimum sentences for public officials who commit or conceal crimes against children. In *Summa Theologiae (Prima Secundae Partis)* I-II, q. 87, a. 3, St. Thomas Aquinas writes: *"sin incurs a debt of punishment through disturbing an order. But the effect remains so long as the cause remains. Wherefore so long as the disturbance of the order remains the debt of punishment must need remain also."* Justice demands that punishment be proportionate not only to the act itself but to the harm it causes to the moral order and the common good.

When a public official commits or conceals a crime against a child, it is not merely a personal failure. It is a betrayal of the community they are charged with protecting. It erodes confidence in our institutions, undermines public trust, and leaves the vulnerable exposed. While these truths were in a recent case made painfully clear, they are truths that apply to all cases of crimes against children. We must seek justice that acknowledges these realities and holds public officials accountable for damage that extends far beyond any single act.

## **Oversight**

This resolution calls for a very focused study. While we support all efforts to end crimes against children, the issue before us involves a specific and extremely troubling set of circumstances. It has become clear that the systems currently in place were not enough to protect children.

We believe that a Special Investigative Task Force under the Attorney General may be necessary to ensure that such treachery is not allowed to remain hidden. Public officials wield unique power and privilege. We must ensure there are systems equipped to meet that reality.

## **Transparency**

Finally, we propose mandatory reporting requirements for public officials. It is widely understood that those in positions of public trust have an obligation to act when confronted with crimes against children. In many professions, such as law enforcement, education, and medicine, mandatory reporting is already standard. While such requirements may look different for public officials, we believe they are no less necessary.

Public officials often have access to sensitive or privileged information. Mandated reporting would clarify their responsibilities and remove ambiguity. I cannot say with certainty that such a requirement would prevent such atrocities, but I do ask the committee to consider: what if you or one of your colleagues senses something is wrong, but lacks the guidance or authority to act?

We are living in the vital fruits of what happens when the truth is hidden in darkness. A little light early on can make all the difference in protecting children.

The North Dakota Young Republicans have worked hard to start this conversation and come before you earnestly to hand off the baton. We know we are not policy experts, but we believe that through this resolution, we've taken meaningful steps toward protecting children.

Before submitting HCR 3037 to the House Delayed Bills Committee, our NDYR legislators worked closely with House Leadership and incorporated all requested changes which resulted in unanimous approval. We are proud of that collaboration and hope the committee will continue improving this resolution in whatever way it sees fit. NDYR stands ready to assist however we can.

We believe this study can begin to answer the questions so many in our state are asking: *How did this happen?* And more importantly: *How can we prevent it from ever happening again?*

The North Dakota Young Republicans respectfully urge a unanimous Do Pass recommendation.

Thank you for your time and consideration.

**Derek Turbide**

National Committeeman, North Dakota Young Republicans