

**SENATE BILL NO. 2365**

Introduced by

Senators Dever, J. Lee

1 A BILL for an Act to amend and reenact section 44-04-09 of the North Dakota Century Code,  
2 relating to nepotism.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 44-04-09 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **44-04-09. Nepotism - Exceptions.**

7 1. A state official or state employee, in the exercise of that official's or employee's duties,  
8 may not serve in a supervisory capacity over, or enter a personal service contract with,  
9 that official's or employee's parent by birth or adoption, spouse, son or daughter by  
10 birth or adoption, stepchild, brother or sister by whole or half blood or by adoption,  
11 brother-in-law or sister-in-law, or son-in-law or daughter-in-law. As used in this section,  
12 "supervisory capacity" means the authority to appoint, employ, hire, assign, transfer,  
13 promote, evaluate, reward, discipline, demote, or terminate. As used in this section,  
14 "evaluate" does not include evaluations by peers or subordinates.

15 2. This section does not apply to an:

16 a. An employment relationship or contract entered before August 1, 1999; ~~nor to~~  
17 ~~any~~

18 b. An employment relationship or contract entered before the state official or  
19 employee assumed the supervisory capacity; ~~nor to any~~

20 c. Any temporary work arrangement necessary to meet a critical and urgent agency  
21 need; or

22 d. An employment relationship or contract entered to meet a critical and urgent  
23 employment need which is entered with the prior approval of a committee or  
24 other governing body that has general supervision over a state entity.