

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2238

Introduced by

Senator Oehlke

1 A BILL for an Act to amend and reenact sections 40-08-09 and 40-09-17 of the North Dakota  
2 Century Code, relating to employing as city employees members of a city council or city  
3 commission; and to declare an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 40-08-09 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **40-08-09. Restrictions on members of council.**

8 1. Except as provided in ~~subsection 2~~this section, no member of the city council shall:

9 a. Be eligible to any other office the salary of which is payable out of the city  
10 treasury;

11 b. Hold any other office under the city government; or

12 c. Hold a position of remuneration in the employment of the city.

13 2. A member of the city council may serve as an ambulance crew member employed by  
14 the city or under a contract with the city and be remunerated for those services or as a  
15 volunteer firefighter or ambulance crew member for the city and be compensated for  
16 attending training or responding to emergency calls or may be reimbursed for  
17 expenses incurred in attending training or in responding to emergency calls.

18 3. A member of the city council in a city having a population of five hundred or fewer may  
19 hold a position of remuneration in the employment of the city if no other qualified  
20 individual is available to hold the position of remuneration at an equal cost to the city.  
21 The decision to employ the member of the city council must receive the unanimous  
22 approval of the other members of the council, and the approval must be documented  
23 in the official minutes of the council. This subsection does not apply to appointed  
24 officer positions under section 40-14-04.

1       **SECTION 2. AMENDMENT.** Section 40-09-17 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **40-09-17. Restrictions on members of board.**

- 4       1. Except as provided in ~~subsection 2~~this section, a member of the board of city  
5 commissioners may not:
- 6           a. Be eligible to any other office the salary of which is payable out of the city  
7 treasury;
- 8           b. Hold any other office under the city government; and
- 9           c. Hold a position of remuneration in the employment of the city.
- 10       2. A member of a board of city commissioners may serve as an ambulance crew member  
11 employed by the city or under a contract with the city and be remunerated for those  
12 services or as a volunteer firefighter or ambulance crew member for the city and be  
13 compensated for attending training or responding to emergency calls or may be  
14 reimbursed for expenses incurred in attending training or in responding to emergency  
15 calls.
- 16       3. A member of the board of city commissioners in a city having a population of five  
17 hundred or fewer may hold a position of remuneration in the employment of the city if  
18 no other qualified individual is available to hold the position of remuneration at an  
19 equal cost to the city. The decision to employ the member of the city commission must  
20 receive the unanimous approval of the other members of the commission, and the  
21 approval must be documented in the official minutes of the commission. This  
22 subsection does not apply to appointed officer positions under section 40-15-05.

23       **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.