

Sixty-ninth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1161**

Introduced by

Representatives Murphy, Schreiber-Beck, Warrey

Senators Bekkedahl, Dever

1 A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota  
2 Century Code, relating to funding for vacant full-time equivalent positions at institutions under  
3 the control of the state board of higher education.

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

5 **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Vacant full-time equivalent position funding pool - Transfers of appropriation**  
8 **authority - Budget section report.**

9 1. Notwithstanding any other provision of law, on July first of each odd-numbered year,  
10 each institution under the control of the state board of higher education shall transfer  
11 all appropriation authority for the current biennium relating to the full-time equivalent  
12 positions identified as vacant as of December first of the most recent even-numbered  
13 year to the office of management and budget.

14 2. The office of management and budget shall maintain the appropriation authority in a  
15 separate higher education vacant position funding pool line item designated for  
16 institutions under the control of the state board of higher education as provided for in  
17 this section.

18 3. An institution that transferred appropriation authority to the office of management and  
19 budget under this section may submit a request to the office of management and  
20 budget for an allocation of appropriation authority from the pool to provide funding for  
21 the salaries and wages necessary for the biennium for filling a full-time equivalent  
22 position that was vacant on December first of the most recent even-numbered year,  
23 from the date of hiring through the end of the biennium or for the funding needed for  
24 the hiring of a temporary employee as an alternative to filling the position.

- 1       4. The office of management and budget may transfer general fund appropriation  
2       authority from the higher education vacant position funding pool to an institution only  
3       upon the institution certifying to the office of management and budget that other funds  
4       from federal or other sources are not available for the salaries and wages of the full-  
5       time equivalent position.
- 6       5. An institution may not receive more funding from the pool than the amount that was  
7       transferred from the institution's appropriation for vacant full-time equivalent positions.
- 8       6. Notwithstanding any other provision of law, the office of management and budget shall  
9       transfer appropriation authority from the higher education vacant position funding pool  
10      to eligible institutions within fifteen days of receiving a request for filling a full-time  
11      equivalent position that was vacant on December first of the most recent even-  
12      numbered year or for a temporary position, along with documentation verifying that  
13      funding available for salaries and wages within the institution's budget is insufficient to  
14      provide funding for the position for the remainder of the biennium.
- 15      7. The state board of higher education shall report to each meeting of the budget section  
16      regarding salaries and wages, vacant position information, and use of funding in the  
17      pool including:
  - 18      a. The number of institution requests submitted, amounts transferred from the pool,  
19      and information on vacant full-time equivalent positions, including dates the  
20      positions were vacated and filled; and
  - 21      b. Salaries and wages savings to date resulting from vacant positions by institution.