

**Land Department
Budget 226
Senate Bill No. 2013**

	FTE Positions	General Fund	Other Funds	Total
2009-11 legislative appropriation	21.75	\$0	\$13,792,561	\$13,792,561
2007-09 legislative appropriation	<u>18.75</u>	<u>0</u>	<u>9,134,008</u>	<u>9,134,008</u>
2009-11 appropriation increase (decrease) to 2007-09 appropriation	3.00	\$0	\$4,658,553	\$4,658,553

Item Description

FTE changes - The 2009-11 biennium appropriation included funding for 21.75 FTE positions, an increase of 3 FTE positions from the 2007-09 biennium authorized level of 18.75 FTE positions. The Legislative Assembly approved the addition of 1 FTE audit technician position, 1 FTE auditor II position, and 1 FTE position pending classification.

Section 6 of Senate Bill No. 2013 provides that the audit technician FTE position may be filled only upon Budget Section approval.

Carryover of appropriations for oil and gas impact grants - Section 2 of Senate Bill No. 2013 provided that North Dakota Century Code Section 54-44.1-11 does not apply to 2007-09 appropriations for oil and gas impact grants and, therefore, the 2007-09 appropriation authority may continue into the 2009-11 biennium.

Contingencies line item/appropriation transfers - Section 3 of Senate Bill No. 2013 provided that upon approval of the Board of University and School Lands, the commissioner of University and School Lands may transfer appropriation authority from the contingencies line item to all other line items, except the capital assets line item. The commissioner is to notify the Office of Management and Budget of each transfer made pursuant to this section.

Transfer to general fund - Section 5 of Senate Bill No. 2013 provided for a transfer of \$35 million to the general fund from the lands and minerals trust fund during the 2009-11 biennium.

Status/Result

The Land Department has hired 1 FTE to fill the position pending classification. The position, which was filled in October 2009, was classified as a mineral titlist. The auditor II position is expected to be filled in May 2010 and the audit technician position is being re-examined to determine if the agency would benefit more by using the funding for the position for another purpose.

The Land Department's Energy Development Impact Office had outstanding committed oil and gas impact grants totaling \$2.1 million as of June 30, 2009. Funding for these grant commitments was continued into the 2009-11 biennium pursuant to Section 2 of Senate Bill No. 2013.

The Land Department is considering the transfer of funds from the agency's \$50,000 contingency line item for the following:

- An increase for the new commissioner's salary.
- Pending lawsuits regarding mineral rights.
- Costs associated with advertising the commissioner position.

The Land Department estimates that adequate funds will be available in the lands and minerals trust fund to allow for the \$35 million transfer to the general fund during the 2009-11 biennium.