

Adjutant General, including the National Guard and the Department of Emergency Services
Budget No. 540
House Bill No. 1016

	FTE Positions	General Fund	Other Funds	Total
2025-27 legislative appropriation	235.00	\$30,829,077	\$314,229,621	\$345,058,698
2023-25 legislative appropriation	<u>233.00</u>	<u>33,399,621</u>	<u>345,583,852</u>	<u>378,983,473</u>
2025-27 appropriation increase (decrease) to 2023-25 appropriation	2.00	(\$2,570,544)	(\$31,354,231)	(\$33,924,775)

Item Description

Full-time equivalent changes - The Legislative Assembly approved 235 FTE positions for the Adjutant General for the 2025-27 biennium, an increase of 2 FTE positions from the 2023-25 biennium authorized level of 233 FTE positions. The Legislative Assembly:

- Added 1 FTE custodial supervisor position
- Added 1 FTE Veterans' Cemetery administrative position
- Added 1 FTE Veterans' Cemetery maintenance position
- Added 1 FTE watch center position
- Added 1 unfunded FTE next generation leader program position
- Removed 3 vacant FTE National Guard security positions

New and vacant FTE pool - The Legislative Assembly transferred \$3,864,389 for estimated savings from vacant FTE positions from the salaries and wages, Civil Air Patrol, Air Guard contract, Army Guard contract, Veterans' Cemetery, and disaster costs line items to the new and vacant FTE pool line item and reduced the amount to \$2,854,441 for estimated savings from new and vacant FTE positions, including \$672,159 for new FTE positions and \$2,182,282 for vacant positions.

One-time funding - The following is a summary of one-time funding items for the Adjutant General for the 2025-27 biennium:

	Federal Funds	Special Funds	Total
Camp Grafton regional training institute addition	\$34,000,000		\$34,000,000
Williston readiness center design ¹		\$2,500,000	2,500,000
Critical infrastructure state matching funds ¹		4,500,000	4,500,000
Civil Air Patrol statewide interoperable radio network (SIRN) upgrade ¹		206,426	206,426
Disaster response equipment	660,000		660,000
STORM (Safeguarding Tomorrow Through Ongoing Risk Mitigation) Act Program	35,500,000	3,550,000	39,050,000

Status/Result

The Adjutant General reported 4 of the new FTE positions have been filled. The agency filled the FTE custodial supervisor position in November 2025; however, the role has since become vacant.

Through February 2026, the Adjutant General had received \$536,383 from the new and vacant FTE pool to fill new FTE positions. Through January 2026, the department had estimated vacant FTE position savings of \$1,164,646, including \$383,653 of General Fund savings and \$780,933 of other funds savings. The agency has used \$111,423 for other purposes, including accrued leave payouts, extra salary increases, bonuses, and other costs. The number of vacancies in the agency has ranged from 17 to 25 FTEs with an average monthly vacancy rate of 20.57 FTE positions.

The following is a summary of the status of the Adjutant General's one-time funding:

Camp Grafton regional training institute addition	As of March 2026, no funding has been spent. Federal funding has not been received nor is it anticipated during federal fiscal year 2027. The Adjutant General anticipates requesting carryover authority into the 2027-29 biennium.
Williston readiness center design	Through March 2026, \$163,610 has been expended. Design is anticipated to be completed in January 2027. The Adjutant General anticipates spending the entire appropriation during the 2025-27 biennium.
Critical infrastructure state matching funding	Through March 2026, approximately \$1.8 million has been obligated and approximately \$656,000 has been spent on various critical infrastructure projects. The Adjutant General anticipates spending the entire appropriation during the 2025-27 biennium.

Wildland fires ²	2,250,000	300,000	2,550,000
State Radio law enforcement redundant switch ¹		525,000	525,000
SIRN costs ¹		495,000	495,000
Line of communication bridge training site	3,674,000		3,674,000
Dickinson readiness center	5,800,000		5,800,000
Camp Grafton fitness facility	2,000,000		2,000,000
Flood mitigation grants ²		200,000	200,000
Total	\$83,884,000	\$12,276,426	\$96,160,426
¹ Funding for this item is from the Strategic Investment and Improvements Fund.			
² Funding for this item is from the State Disaster Relief Fund.			

Civil Air Patrol SIRN upgrade	Through March 2026, \$133,383 has been expended. The Adjutant General anticipates spending the entire appropriation during the 2025-27 biennium.
Disaster response equipment	As of March 2026, no funding has been expended. If funding becomes available, items may be purchased throughout the biennium.
STORM Act Program	Through March 2026, no funding has been expended. Federal funding is anticipated following federal appropriations enacted in early 2026.
Wildland fires	Through March 2026, all federal funding and \$87,000 from the State Disaster Relief Fund has been expended. The Adjutant General anticipates spending the entire appropriation during the 2025-27 biennium.
State Radio law enforcement redundant switch	As of March 2026, no funding has been expended. Project timing is dependent on the Information Technology Department data center relocation project. The Adjutant General anticipates requesting carryover authority to complete the project in the 2027-29 biennium.
SIRN costs	Through March 2026, \$277,409 has been expended. The project is anticipated to be completed during the 2025-27 biennium.
Line of communication bridge training site	The project was completed in April 2026 at a total cost of \$9.2 million, of which \$2.6 million was spent during the 2025-27 biennium.
Dickinson readiness center	Through March 2026, \$1,821,037 has been spent during the 2025-27 biennium. The project is nearing completion with approximately \$97,000 in expenditures remaining. The total cost of the project is estimated to be \$29 million.
Camp Grafton fitness facility	Through March 2026, \$235,987 has been expended. The project is nearing completion.
Flood mitigation grants	See the Flood mitigation grants section below.

Carryover items - The Legislative Assembly, in Section 9 of House Bill No. 1016, provided exemptions allowing the Adjutant General to continue unspent appropriation authority into the 2025-27 biennium relating to the following items:

- Dickinson readiness center
- Line of communication bridge training site
- Camp Grafton fitness facility
- Tuition, recruiting, and retention
- Camp Grafton expansion
- State active duty software and maintenance
- Cybersecurity grants
- Flood mitigation grants

The following is a summary of the status of the Adjutant General's carryover funding:

Dickinson readiness center	No funding was continued into the 2025-27 biennium for the construction of the Dickinson readiness center.
Line of communication bridge training site	No funding was continued into the 2025-27 biennium for the line of communication bridge training site.
Camp Grafton fitness facility	The Adjutant General continued \$2,848,198 of federal American Rescue Plan Act funding for the Camp Grafton fitness facility. Through March 2026, \$2,717,558 has been spent. The project is nearing completion and all the funds are anticipated to be spent during the 2025-27 biennium.
Tuition, recruiting, and retention	The Adjutant General continued \$2,645,317 of General Fund authority for tuition, recruiting, and retention. Through

	April 2026, the Adjutant General has spent \$1,114,752 and anticipates spending an additional \$820,248 during the 2025-27 biennium. The agency anticipates requesting authority to continue the appropriation into the 2027-29 biennium.
Camp Grafton expansion	The Adjutant General continued \$1,606,280 of National Guard Training Area and Facility Development Trust Fund authority for the Camp Grafton expansion. Through April 2026, \$3,000 has been spent. The Adjutant General anticipates requesting authority to continue the appropriation into the 2027-29 biennium.
State active duty software and maintenance	The Adjutant General continued \$77,690 of American Rescue Plan Act funding for state active-duty software and maintenance. Through March 2026, no funding has been expended. The Adjutant General will make a \$50,000 annual maintenance payment in spring 2026, with the remaining funding to be spent in fall 2026.
Cybersecurity grants	The Adjutant General continued \$117,048 of General Fund authority for cybersecurity grants. Through April 2026, the Adjutant General has spent \$15,948 and anticipates spending an additional \$87,552 during the 2025-27 biennium. The agency anticipates requesting authority to continue the appropriation into the 2027-29 biennium.
Flood mitigation grants	See the Flood mitigation grants section below.

Flood mitigation grants - In Senate Bill No. 2016 (2023), the Legislative Assembly provided \$225,000 in State Disaster Relief Fund authority for flood mitigation grants during the 2023-25 biennium. In House Bill No. 1016 (2025), the Legislative Assembly provided an exemption to continue the 2023-25 biennium funding into the 2025-27 biennium and provided an additional \$200,000 in State Disaster Relief Fund appropriation authority for the flood mitigation grants.

Dakota Access Pipeline response - The Adjutant General received authority to borrow \$43 million from the Bank of North Dakota for expenses relating to unlawful activity associated with the construction of the Dakota Access Pipeline (DAPL) as follows:

September 21, 2016, Emergency Commission meeting	\$6,000,000
November 1, 2016, Emergency Commission meeting	4,000,000
November 30, 2016, Emergency Commission meeting	7,000,000
House Bill No. 1024 (2017)	10,000,000
Senate Bill No. 2174 (2017)	11,000,000
September 25, 2017, Emergency Commission meeting	5,000,000
Total	\$43,000,000

The Adjutant General continued \$195,253 of 2023-25 biennium funding into the 2025-27 biennium. As of March 2026, \$9,244 has been expended on the project. Project progress has been delayed due to environmental approvals, federal hazard mitigation funding delays, and higher than estimated project costs. The Adjutant General anticipates requesting carryover authority into the 2027-29 biennium.

In April 2025, the United States District Court for the District of North Dakota issued its judgment in *State of North Dakota vs. United States of America*, finding the United States liable for negligence, gross negligence, civil trespass, and public nuisance arising from the United States Army Corps of Engineers' administration of federal land during the DAPL protests, and awarded the state approximately \$27.9 million in damages. The United States subsequently filed a notice of appeal.

In March 2026, the State of North Dakota and the United States jointly moved the District Court to vacate the judgment and related orders to allow the parties to effectuate a negotiated settlement. Under the proposed terms, North Dakota would receive a substantial monetary payment from the United States, and the federal government would dismiss its pending appeal. In May 2026, the District Court indicated it would grant the motion upon remand from the Eighth Circuit Court of Appeals, where the appeal remains pending.

The Adjutant General incurred approximately \$38 million in costs related to the DAPL law enforcement response.

In 2017, the Adjutant General received \$10 million from the United States Department of Justice and a \$15 million donation from Energy Transfer Partners for repayment of DAPL response loans.

The Legislative Assembly has provided the following deficiency appropriations to pay accrued interest on the outstanding DAPL law enforcement response loan:

- 2021 Legislative Assembly - \$750,000 from the State Disaster Relief Fund to pay accrued interest for the 2019-21 biennium.
- 2023 Legislative Assembly - \$1,026,833 from the State Disaster Relief Fund to pay accrued interest for the 2021-23 biennium.
- 2025 Legislative Assembly - \$1,763,490 from the General Fund to pay accrued interest for the 2023-25 biennium.

The Legislative Assembly, in Section 4 of House Bill No. 1015 (2025), provided a contingent appropriation of \$13.6 million from the General Fund to the Office of Management and Budget to repay the outstanding DAPL loan obligation and accrued interest for the 2025-27 biennium. The appropriation is contingent upon the Office of Management and Budget certifying to the Legislative Council that at least \$13.6 million, from the judgment awarded by the United States District Court for the District of North Dakota on April 24, 2025, in the case of *State of North Dakota vs. United States of America*, has been received and deposited into the General Fund.

Emergency Commission approvals - The Adjutant General has received Emergency Commission approval to accept and spend funds relating to two disasters.

As of May 2026, the Adjutant General has outstanding DAPL response loans totaling \$13.6 million, plus accrued interest.

The Adjutant General received 2025-27 biennium spending authority from the Emergency Commission for the following items:

- Approval in September 2025 for \$18,622,500, including \$16,087,500 in federal funds from the Federal Emergency Management Agency and \$2,535,000 from the State Disaster Relief Fund for costs associated with the June 20-21, 2025, severe storm and tornado damage.
- Approval in December 2025 for \$8,881,500, including \$7,672,500 in federal funds from the Federal Emergency Management Agency and \$1,209,000 from the State Disaster Relief Fund for costs associated with the August 7-8, 2025, severe storm and tornado damage.