

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2044

Introduced by

Senators Myrdal, Unruh, Oehlke

Representatives Schmidt, Damschen

1 A BILL for an Act to amend and reenact section 12.1-21-06 of the North Dakota Century Code,
2 relating to tampering with or damaging a critical infrastructure facility or a public service; and to
3 provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 12.1-21-06 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **12.1-21-06. Tampering with or damaging a critical infrastructure facility or a public**
8 **service - Penalty.**

- 9 1. ~~A person is guilty of an offense if he causes~~An individual may not cause a substantial
10 interruption or impairment of a ~~public communication, transportation, supply of water,~~
11 ~~gas, power, or other~~critical infrastructure facility or a public service by:
 - 12 a. Tampering with or damaging the tangible property of another;
 - 13 b. Incapacitating an operator of ~~such a~~a critical infrastructure facility or a public
14 service; or
 - 15 c. ~~Negligently damaging the tangible property of another by fire, explosive, or other~~
16 ~~dangerous means.~~Damaging, destroying, vandalizing, defacing, or tampering
17 with equipment in a critical infrastructure facility;
 - 18 d. Damaging, destroying, vandalizing, defacing, impeding, inhibiting, or tampering
19 with the operations of a critical infrastructure facility; or
 - 20 e. Interfering, inhibiting, impeding, or preventing the construction or repair of a
21 critical infrastructure facility.
- 22 2. ~~The offense~~A violation of this section is a class C felony if the actor engages in the
23 conduct intentionally and a class A misdemeanor if the actor engages in the conduct
24 knowingly or recklessly. Otherwise it is a class B misdemeanor.

1 3. This section does not apply to an employee or contractor acting within the scope of the
2 employee's or contractor's employment. As used in this subsection, "employee or
3 contractor" means any person hired or under contract to provide services to a critical
4 infrastructure facility or public service.

5 4. An organization that has pled guilty or been convicted of a violation under section
6 12.1-06-04 for conspiring with an individual who has pled guilty or been convicted
7 under subsection 1 must be assessed a fine equivalent to the penalty authorized by
8 subsection 2 for each individual who has pled guilty or been convicted under
9 subsection 1, not to exceed one hundred thousand dollars.

10 4.5. This section may not be construed to prevent or prohibit lawful assembly and peaceful
11 and orderly petition for the redress of grievances, including a labor dispute between an
12 employer and its employee.

13 5.6. As used in this section, "critical infrastructure facility" includes:

14 a. A petroleum or alumina refinery;

15 b. An electrical power generating facility, substation, switching station, electrical
16 control center, or electric power line and associated equipment infrastructure;

17 c. A chemical, polymer, or rubber manufacturing facility;

18 d. ~~A water intake structure, water treatment facility, wastewater treatment plant,~~
19 ~~ground water monitoring well, water well, or pump station~~A drinking water source,
20 water transmission line, water treatment plant, water distribution system, ground
21 water monitoring well, waste water treatment plant, or waste water collection
22 system;

23 e. A natural gas compressor station;

24 f. A liquid natural gas terminal or storage facility;

25 g. Wireline telecommunications and internet infrastructure, including central offices,
26 fiber optic lines, cable lines, and all additional equipment associated with the
27 provision of broadband or telecommunication services;

28 h. Wireless telecommunications infrastructure, including a cell tower, telephone pole
29 or line, including a fiber optic line;

30 i. A port, railroad switching yard, railroad track, trucking terminal, or other freight
31 transportation facility;

- 1 j. A gas processing plant, including a plant used in the processing, treatment, or
2 fractionation of natural gas or a natural gas liquid;
- 3 k. A transmission facility used by a federally licensed radio or television station;
- 4 l. A steel-making facility using an electric arc furnace to make steel;
- 5 m. A facility identified and regulated by the United States department of homeland
6 security chemical facility anti-terrorism standards program;
- 7 n. A dam regulated by the state or federal government;
- 8 o. A natural gas transmission or distribution utility facility, including a pipeline
9 interconnection, a city gate or town border station, a metering station, below or
10 aboveground piping, a regulator station, and a natural gas storage facility;
- 11 p. A crude oil or refined product storage and distribution facility, including a valve
12 site, pipeline interconnection, pump station, metering station, below or
13 aboveground pipeline or piping, and a truck loading or offloading facility;
- 14 q. Any below or aboveground portion of an oil, gas, hazardous liquid, or chemical
15 pipeline, tank, railroad facility, or other storage facility;
- 16 r. An oil and gas production site; and
- 17 s. A site or location designated or approved for the construction of a facility
18 described in this subsection.