

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. An organization that has pled guilty or been convicted of a violation under section  
2       12.1-06-04 for conspiring with an individual who has pled guilty or been convicted  
3       under subsection 1 must be assessed a fine equivalent to the penalty authorized by  
4       subsection 2 for each individual who has pled guilty or been convicted under  
5       subsection 1, not to exceed one hundred thousand dollars.
- 6       4. This section may not be construed to prevent or prohibit lawful assembly and peaceful  
7       and orderly petition for the redress of grievances, including a labor dispute between an  
8       employer and its employee.
- 9       5. As used in this section, "critical infrastructure facility" includes:
- 10      a. A petroleum or alumina refinery;  
11      b. An electrical power generating facility, substation, switching station, electrical  
12      control center, or electric power line and associated equipment infrastructure;  
13      c. A chemical, polymer, or rubber manufacturing facility;  
14      d. A water intake structure, water treatment facility, wastewater treatment plant,  
15      ground water monitoring well, water well, or pump station;  
16      e. A natural gas compressor station;  
17      f. A liquid natural gas terminal or storage facility;  
18      g. Wireline telecommunications and internet infrastructure, including central offices,  
19      fiber optic lines, cable lines, and all additional equipment associated with the  
20      provision of broadband or telecommunication services;  
21      h. Wireless telecommunications infrastructure, including a cell tower, telephone pole  
22      or line, including a fiber optic line;  
23      i. A port, railroad switching yard, railroad track, trucking terminal, or other freight  
24      transportation facility;  
25      j. A gas processing plant, including a plant used in the processing, treatment, or  
26      fractionation of natural gas or a natural gas liquid;  
27      k. A transmission facility used by a federally licensed radio or television station;  
28      l. A steel-making facility using an electric arc furnace to make steel;  
29      m. A facility identified and regulated by the United States department of homeland  
30      security chemical facility anti-terrorism standards program;  
31      n. A dam regulated by the state or federal government;

- 1           o. A natural gas transmission or distribution utility facility, including a pipeline  
2           interconnection, a city gate or town border station, a metering station, below or  
3           aboveground piping, a regulator station, and a natural gas storage facility;  
4           p. A crude oil or refined product storage and distribution facility, including a valve  
5           site, pipeline interconnection, pump station, metering station, below or  
6           aboveground pipeline or piping, and a truck loading or offloading facility;  
7           q. Any below or aboveground portion of an oil, gas, hazardous liquid, or chemical  
8           pipeline, tank, railroad facility, or other storage facility;  
9           r. An oil and gas production site; and  
10          s. A site or location designated or approved for the construction of a facility  
11          described in this subsection.