

**FIRST ENGROSSMENT
with House Amendments
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 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 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 drinking water source, water transmission line, water treatment plant, water
19 distribution system, ground water monitoring well, waste water treatment plant, or
20 waste water collection system;
- 21 e. A natural gas compressor station;
- 22 f. A liquid natural gas terminal or storage facility;
- 23 g. Wireline telecommunications and internet infrastructure, including central offices,
24 fiber optic lines, cable lines, and all additional equipment associated with the
25 provision of broadband or telecommunication services;
- 26 h. Wireless telecommunications infrastructure, including a cell tower, telephone pole
27 or line, including a fiber optic line;
- 28 i. A port, railroad switching yard, railroad track, trucking terminal, or other freight
29 transportation facility;
- 30 j. A gas processing plant, including a plant used in the processing, treatment, or
31 fractionation of natural gas or a natural gas liquid;

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