A BILL for an Act to amend and reenact section 44-04-24 of the North Dakota Century Code, relating to protection for records related to critical infrastructure and security planning, mitigation, or threats.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-04-24 of the North Dakota Century Code is amended and reenacted as follows:


1. A security system plan kept by a public entity is, and records required to be disclosed to another person for disaster mitigation, preparation, response, vulnerability, or recovery, or for cybersecurity planning, mitigation, or threat, are exempt from the provisions of section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.

2. As used in this section:
   a. "Critical infrastructure" means public buildings, systems, including telecommunications centers and computers, power generation plants, dams, bridges, and similar key resources, and systems related to utility services, fuel supply, energy, hazardous liquid, natural gas, or coal, whether physical or virtual, so vital to the state that the incapacity or destruction of these systems would have a debilitating impact on security, state economic security, state public health or safety, or any combination of those matters.
   b. "Security system plan" includes all records:
      (1) Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, communications, or consultations or portions of any such plan relating directly to the physical or
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electronic security of a public facility, or any critical infrastructure, whether
owned by or leased to the state or any of its political subdivisions, or any
privately owned or leased critical infrastructure if the plan or a portion of the
plan is in the possession of a public entity; threat
(2) Information relating to cybersecurity defenses, or threats, attacks, attempted
attacks, and vulnerabilities of cyber system operations relating directly to the
physical or electronic security of a public facility, or any critical infrastructure,
whether owned by or leased to the state or any of its political subdivisions,
or any privately owned or leased critical infrastructure if the information is in
the possession of a public entity;
(3) Threat assessments; vulnerability
(4) Vulnerability and capability assessments conducted by a public entity, or
any private entity; threat
(5) Threat response plans; and emergency
(6) Emergency evacuation plans.

3. This exemption applies to security system plans received by a public entity before, on,
or after March 20, 2003.

4. Nothing in this section may be construed to limit disclosure required for necessary
construction, renovation, or remodeling work on a public building. Disclosure under
this subsection does not constitute public disclosure.