

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.