

HOUSE BILL NO. 1143

Introduced by

Judiciary Committee

(At the request of the Division of Emergency Management)

1 A BILL for an Act to create and enact three new sections to chapter 44-04 of the North Dakota
2 Century Code, relating to confidentiality of public health and security system plans; and to
3 declare an emergency.

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

5 **SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Security system plan - Exemption.**

- 8 1. A security system plan kept by a public entity is confidential and is exempt from the
9 provisions of section 44-04-18 and section 6 of article XI of the Constitution of
10 North Dakota.
- 11 2. As used in this section:
- 12 a. "Critical infrastructure" means public buildings, systems, including
13 telecommunications centers and computers, power generation plants, dams,
14 bridges, and similar key resources, whether physical or virtual, so vital to the
15 state that the incapacity or destruction of these systems would have a
16 debilitating impact on security, state economic security, state public health or
17 safety, or any combination of those matters.
- 18 b. "Security system plan" includes all records, information, photographs, audio
19 and visual presentations, schematic diagrams, surveys, recommendations,
20 communications, or consultations or portions of any such plan relating directly
21 to the physical or electronic security of a public facility, or any critical
22 infrastructure, whether owned by or leased to the state or any of its political
23 subdivisions, or any privately owned or leased critical infrastructure if the plan
24 or a portion of the plan is in the possession of a public entity; threat

1 assessments; vulnerability and capability assessments conducted by a public
2 entity, or any private entity; threat response plans; and emergency evacuation
3 plans.

4 3. This exemption applies to security system plans received by a public entity before,
5 on, or after the effective date of this Act.

6 4. Nothing in this section may be construed to limit disclosure required for necessary
7 construction, renovation, or remodeling work on a public building. Disclosure
8 under this subsection does not constitute public disclosure. Under this subsection,
9 the recipient must secure all security system information and return the information
10 upon completion of any necessary work.

11 **SECTION 2.** A new section to chapter 44-04 of the North Dakota Century Code is
12 created and enacted as follows:

13 **Public health and security plans - Exemption.** Any plans and the records,
14 information, surveys, communications, and consultations used to produce the plans relating to
15 protection of the public or public officials against threats of violence or other harm are exempt
16 from the provisions of section 44-04-18 and section 6 of article XI of the Constitution of North
17 Dakota.

18 **SECTION 3.** A new section to chapter 44-04 of the North Dakota Century Code is
19 created and enacted as follows:

20 **Security system plan - Public health and security plans - Exemption from public**
21 **meeting requirements.** Those portions of a meeting which would reveal a security system
22 plan, a public health or security plan, or a portion of any such plan, made confidential by
23 section 1 or 2 of this Act, are exempt from section 44-04-19 and section 5 of article XI of the
24 Constitution of North Dakota.

25 **SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure.