

Fifty-eighth
Legislative Assembly
of North Dakota

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

1 entity, or any private entity; threat response plans; and emergency evacuation
2 plans.

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

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

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

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

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

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

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