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Sixty-sixth
Legislative Assembly
of North Dakota

FIRST ENGROSSMENT

ENGROSSED SENATE BILL NO. 2044

Introduced by

Senators Myrdal, Unruh, Oehlke

Representatives Schmidt, Damschen

A BILL for an Act to amend and reenact section 12.1-21-06 of the North Dakota Century Code, relating to tampering with or damaging a critical infrastructure facility or a public service; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-21-06 of the North Dakota Century Code is amended and reenacted as follows:

12.1-21-06. Tampering with or damaging a critical infrastructure facility or a public service - Penalty.

1. ~~A person is guilty of an offense if he causes~~An individual may not cause a substantial interruption or impairment of a ~~public communication, transportation, supply of water, gas, power, or other~~critical infrastructure facility or a public service by:
   a. Tampering with or damaging the tangible property of another;
   b. Incapacitating an operator of ~~such~~a critical infrastructure facility or a public service; ~~or~~
   c. ~~Negligently damaging the tangible property of another by fire, explosive, or other dangerous means.~~Damaging, destroying, vandalizing, defacing, or tampering with equipment in a critical infrastructure facility;
   d. Damaging, destroying, vandalizing, defacing, impeding, inhibiting, or tampering with the operations of a critical infrastructure facility; or
   e. Interfering, inhibiting, impeding, or preventing the construction or repair of a critical infrastructure facility.
2. ~~The offense~~A violation of this section is a class C felony if the actor engages in the conduct intentionally and a class A misdemeanor if the actor engages in the conduct knowingly or recklessly. Otherwise it is a class B misdemeanor.

3. An organization that has pled guilty or been convicted of a violation under section 12.1-06-04 for conspiring with an individual who has pled guilty or been convicted under subsection 1 must be assessed a fine equivalent to the penalty authorized by subsection 2 for each individual who has pled guilty or been convicted under subsection 1, not to exceed one hundred thousand dollars.

4. This section may not be construed to prevent or prohibit lawful assembly and peaceful and orderly petition for the redress of grievances, including a labor dispute between an employer and its employee.

5. As used in this section, "critical infrastructure facility" includes:

a. A petroleum or alumina refinery;

b. An electrical power generating facility, substation, switching station, electrical control center, or electric power line and associated equipment infrastructure;

c. A chemical, polymer, or rubber manufacturing facility;

d. A water intake structure, water treatment facility, wastewater treatment plant, ground water monitoring well, water well, or pump station;

e. A natural gas compressor station;

f. A liquid natural gas terminal or storage facility;

g. Wireline telecommunications and internet infrastructure, including central offices, fiber optic lines, cable lines, and all additional equipment associated with the provision of broadband or telecommunication services;

h. Wireless telecommunications infrastructure, including a cell tower, telephone pole or line, including a fiber optic line;

i. A port, railroad switching yard, railroad track, trucking terminal, or other freight transportation facility;

j. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or a natural gas liquid;

k. A transmission facility used by a federally licensed radio or television station;

l. A steel-making facility using an electric arc furnace to make steel;

m. A facility identified and regulated by the United States department of homeland security chemical facility anti-terrorism standards program;

n. A dam regulated by the state or federal government;

o. A natural gas transmission or distribution utility facility, including a pipeline interconnection, a city gate or town border station, a metering station, below or aboveground piping, a regulator station, and a natural gas storage facility;

p. A crude oil or refined product storage and distribution facility, including a valve site, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping, and a truck loading or offloading facility;

q. Any below or aboveground portion of an oil, gas, hazardous liquid, or chemical pipeline, tank, railroad facility, or other storage facility;

r. An oil and gas production site; and

s. A site or location designated or approved for the construction of a facility described in this subsection.