

Introduced by

Senators Klein, Heckaman, Myrdal

Representatives Damschen, Devlin, Holman

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

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

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

7 **44-04-24. Security system plan - Disaster and cybersecurity information - Exemption.**

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

13 2. As used in this section:

14 a. "Critical infrastructure" means public buildings, systems, including
15 telecommunications centers and computers, power generation plants, dams,
16 bridges, and similar key resources, and systems related to utility services, fuel
17 supply, energy, hazardous liquid, natural gas, or coal, whether physical or virtual,
18 so vital to the state that the incapacity or destruction of these systems would
19 have a debilitating impact on security, state economic security, state public health
20 or safety, or any combination of those matters.

21 b. "Security system plan" includes ~~all records~~;

22 (1) Records, information, photographs, audio and visual presentations,
23 schematic diagrams, surveys, recommendations, communications, or
24 consultations ~~or portions of any such plan~~ relating directly to the physical or

1 electronic security of a public facility, or any critical infrastructure, whether
2 owned by or leased to the state or any of its political subdivisions, or any
3 privately owned or leased critical infrastructure if the plan or a portion of the
4 plan is in the possession of a public entity; ~~threat~~

5 (2) Information relating to cybersecurity defenses, or threats, attacks, attempted
6 attacks, and vulnerabilities of cyber system operations relating directly to the
7 physical or electronic security of a public facility, or any critical infrastructure,
8 whether owned by or leased to the state or any of its political subdivisions,
9 or any privately owned or leased critical infrastructure if the information is in
10 the possession of a public entity;

11 (3) Threat assessments; vulnerability

12 (4) Vulnerability and capability assessments conducted by a public entity, or
13 any private entity; threat

14 (5) Threat response plans; and emergency

15 (6) Emergency evacuation plans.

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

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

21 5. Records deemed exempt under this section and disclosed to another entity continue to
22 be exempt in the possession of the receiving entity.