

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 94

AMENDMENT NO. A4
(to be filled in by
Principal Clerk)

H94-ARI-74 [v.9]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [NO]
Third Edition

Date _____, 2013

Senator Newton

1 moves to amend the bill on page 1, lines 17 through 20,
2 by rewriting those lines to read:

3
4 "PERMIT NOTICE REQUIREMENTS; (7) AMEND DIRECTION TO THE MINING
5 ENERGY COMMISSION CONCERNING ADOPTION OF RULES GOVERNING
6 DISCLOSURE OF INFORMATION PERTAINING TO HYDRAULIC FRACTURING
7 FLUID CHEMICALS AND CONSTITUENTS; (8) EXEMPT THE MINING AND
8 ENERGY COMMISSION,"; AND

9
10
11 on page 6, line 24, through page 7, line 37,
12 by rewriting those lines to read:

13
14 "PART VII. AMEND DIRECTION TO THE MINING AND ENERGY COMMISSION
15 CONCERNING ADOPTION OF RULES GOVERNING DISCLOSURE OF
16 INFORMATION PERTAINING TO HYDRAULIC FRACTURING FLUID
17 CHEMICALS AND CONSTITUENTS

18 SECTION 7.(a) G.S. 113-391(a)(5)h. reads as rewritten:

19 "§ 113-391. Jurisdiction and authority; rules and orders.

20 h. Disclosure of chemicals and constituents used in oil and gas
21 exploration, drilling, and production, including hydraulic fracturing
22 fluids, to State regulatory agencies and to local government
23 emergency response officials, and, with the exception of those items
24 constituting trade secrets, as defined in G.S. 66-152(3), and that are
25 designated as confidential or as a trade secret under G.S. 132-1.2,
26 requirements for disclosure of those chemicals and constituents to the
27 public. The rules shall provide that the Commission and the
28 Department may review, but shall not possess or take ownership of,
29 data and information related to chemicals and constituents used in
30 hydraulic fracturing fluids that is designated as a trade secret. In
31 addition, for that information related to chemicals and constituents
32 used in hydraulic fracturing fluids that is designated as a trade secret,



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1 the Commission shall also develop rules that require public
2 disclosure through an online chemical registry such as FracFOCUS
3 of the applicable chemical families or other similar description of
4 those chemicals and constituents, provided that such disclosure does
5 not violate federal or State law. For purposes of this subsection
6 "chemical family" means a group of chemicals that share similar
7 chemical properties and have a common general name."
8 **SECTION 7.(b)** Notwithstanding subsection (m) of Section 2 of S.L. 2012-143,
9 the Mining and Energy Commission shall adopt the rule as required by subsection (a) of this
10 section no later than December 1, 2013. Rules adopted pursuant to subsection (a) of this section
11 shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written
12 objections had been received as provided by G.S. 150B-21.3(b2).".
13
14
15

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**