

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 786

AMENDMENT NO. A5  
(to be filled in by  
Principal Clerk)

S786-ARI-116 [v.7]

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

Date \_\_\_\_\_, 2014

Senator Clark

1 moves to amend the bill on page 15, lines 3 through 20,  
2 by rewriting those lines to read:

3  
4 "SECTION 13.(b) G.S. 113-423(f) reads as rewritten:

5 "(f) Pre-Drilling Testing of Water Supplies. – Any lease of oil or gas rights or any other  
6 conveyance of any kind separating rights to oil or gas from the freehold estate of surface  
7 property shall include a clause that requires the oil or gas developer or operator to pay for the  
8 reasonable costs involved in testing ~~conduct a test of~~ all water supplies within 5,000 feet a  
9 one-half mile radius from a proposed wellhead that is part of the oil or gas developer's or  
10 operator's activities at least 30 days prior to initial drilling activities and at least ~~two~~ five  
11 follow-up tests ~~within a 24-month period~~ at six-months, 12-months, 18-months, and 24-months  
12 after production has commenced, and a test within 30 days after completion of  
13 production activities at the site. The Department shall identify the location of all water supplies,  
14 including wells, on a property on which drilling operations are proposed to occur. A surface  
15 owner ~~may elect to have the Department~~ shall use an independent third party selected from a  
16 laboratory certified by the Department's Wastewater/Groundwater Laboratory Certification  
17 program to sample wells located on their property, and in lieu of sampling conducted by the oil  
18 or gas developer or operator, in which case the developer or operator shall pay reimburse the  
19 Department for the reasonable costs involved in testing of the wells in question. Developers  
20 and operators may share analytical results obtained with other developers and operators as  
21 necessary or advisable. All analytical results from testing conducted pursuant to this section: (i)  
22 shall be provided to the Department within 30 days of testing; and (ii) shall constitute a public  
23 record under Chapter 132 of the General Statutes, and the Department shall post any results to  
24 the Department's website within 30 days of receipt of the result. Nothing in this subsection  
25 shall be construed to preclude or impair the right of any surface owner to refuse pre-drilling  
26 testing of wells located on their property."



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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**