

# FAILED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 786

AMENDMENT NO. A16  
(to be filled in by  
Principal Clerk)

S786-ARI-154 [v.3]

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

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

Representative Queen

1 moves to amend the bill on page 11, lines 4 through 12,  
2 by rewriting those lines to read:

3  
4 "(b) Determination and Treatment of Confidential Information. – Information obtained  
5 by the Commission and the Department pursuant to this Article, and rules adopted thereunder,  
6 shall be available to the public except that, upon a showing satisfactory to the Commission by  
7 any person that information to which the Commission and Department has access, if made  
8 public, would divulge methods or processes entitled to protection as confidential information  
9 pursuant to G.S. 132-1.2, the Commission shall consider the information confidential.  
10 Notwithstanding any other provision of law, an oil and gas developer or operator shall disclose  
11 to the Commission and the Department the identity of each chemical used in hydraulic  
12 fracturing fluid 15 calendar days before the initiation of a hydraulic fracturing treatment, and  
13 this information shall constitute public information under Chapter 132 of the General Statutes.  
14 The Commission and the Department may, however, consider information concerning the  
15 actual or maximum concentration of each chemical contained in the hydraulic fracturing fluid  
16 confidential if that information would divulge methods or processes entitled to protection as  
17 confidential information pursuant to G.S. 132-1.2. In accordance with subsection (b1) of  
18 G.S. 113-391, the State Geologist shall serve as the custodian of the confidential information  
19 and shall ensure that it is maintained securely as provided in G.S. 132-7. The State Geologist,  
20 or the Geologist's designee, shall:"

21  
22 and on page 12, lines 27 through 33,  
23 by rewriting those lines to read:

24  
25 "(d) Penalties for Unlawful Disclosure. – Except as provided in subsection (c) of this  
26 section or as otherwise provided by law, any person who has access to confidential information  
27 pursuant to this section and who discloses it knowing it to be confidential information to any  
28 person not authorized to receive it shall be guilty of a Class 1 misdemeanor, and if knowingly  
29 or negligently disclosed to any person not authorized, shall be subject to civil action for  
30 damages and injunction by the owner of the confidential information, including, without  
31 limitation, actions under Article 24 of Chapter 66 of the General Statutes. Penalties for  
32 unlawful disclosure of confidential information established by this subsection shall not apply to



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1 disclosure of confidential information that concerns chemicals used in the hydraulic fracturing  
2 process."  
3

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  
House Principal Clerk's Office**