

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 101

(By Mr. Hedrick)

PASSED February 21, 1969

In Effect Nearly days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-3-69

#101

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Senate Bill No. 101

(By MR. HEDRICK)

[Passed February 21, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact section one-d, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to eligibility, qualifications, salary and expenses of oil and gas inspectors.

Be it enacted by the Legislature of West Virginia:

That section one-d, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. OIL AND GAS WELLS.

§22-4-1d. Oil and gas inspectors—Eligibility for appointment; qualifications; salary; expenses; removal.

- 1 (a) No person shall be eligible for appointment as an
- 2 oil and gas inspector or supervising inspector unless, at the

3 time of his probationary appointment he (1) is a citizen of
4 West Virginia, in good health, and of good character,
5 reputation and temperate habits; (2) has had at least ten
6 years' practical experience in the oil and gas industry, at
7 least five years of which, immediately preceding his
8 original appointment shall have been in the oil and gas
9 industry in this state: *Provided*, That a diploma in geol-
10 ogy or in mining or petroleum engineering from West
11 Virginia University, or any similarly accredited school
12 shall be considered the equivalent of five years' practical
13 experience; and (3) has good theoretical and practical
14 knowledge of oil and gas drilling and production methods,
15 practices and techniques, sound safety practices and
16 applicable mining laws.

17 (b) In order to qualify for appointment as an oil and
18 gas inspector or supervising inspector, an eligible appli-
19 cant shall submit to a written and oral examination by
20 the oil and gas inspectors' examining board and shall
21 furnish such evidence of good health, character and other
22 facts establishing eligibility as such board may require.
23 If such board finds after investigation and examination

24 that an applicant (1) is eligible for appointment and (2)
25 has passed all written and oral examinations, the board
26 shall add such applicant's name and grade to the register
27 of qualified eligible candidates and certify its action to
28 the deputy director for oil and gas. No candidate's name
29 shall remain on the register for more than three years
30 without requalifying.

31 (c) The salary of the supervising inspector shall be
32 not less than seven thousand dollars per annum, nor more
33 than eleven thousand dollars per annum, and reasonable
34 traveling expenses. Salaries of inspectors shall not be
35 less than six thousand dollars per annum, nor more than
36 nine thousand four hundred dollars per annum, and
37 reasonable traveling expenses. Within the limits pro-
38 vided by law, the salary of each inspector and of the
39 supervising inspector shall be fixed by the deputy director
40 for oil and gas, subject to the approval of the director of
41 the department of mines and oil and gas inspectors' ex-
42 amining board. In fixing salaries of the oil and gas in-
43 spectors and of the supervising inspector, the deputy
44 director for oil and gas shall consider ability, perform-

45 ance of duty, and experience. No reimbursement for
46 traveling expenses shall be made except upon an item-
47 ized account of such expenses submitted by the inspector
48 or supervising inspector, as the case may be, who shall
49 verify, upon oath, that such expenses were actually in-
50 curred in the discharge of his official duties.

51 (d) An inspector or the supervising inspector, after
52 having received a permanent appointment, shall be re-
53 moved from office only for physical or mental impair-
54 ment, incompetency, neglect of duty, drunkenness, mal-
55 feasance in office, or other good cause.

56 Proceedings for the removal of an oil and gas inspector
57 or the supervising inspector may be initiated by the
58 deputy director for oil and gas or the director of the de-
59 partment of mines whenever either has reasonable
60 grounds to believe and does believe that adequate cause
61 exists warranting removal. Such a proceeding shall be
62 initiated by a verified petition, filed with the oil and gas
63 inspectors' examining board by the deputy director for
64 oil and gas or the director, setting forth with particular-
65 ity the facts alleged. Not less than twenty reputable

66 citizens engaged in oil and/or gas drilling and production
67 operations in the state may petition the deputy director
68 for oil and gas or the director of the department of mines
69 for the removal of an inspector or the supervising inspec-
70 tor. If such petition is verified by at least one of the
71 petitioners, based on actual knowledge of the affiant, and
72 alleges facts which, if true, warrant the removal of the
73 inspector or supervising inspector, the deputy director
74 for oil and gas or the director of the department of mines
75 shall cause an investigation of the facts to be made. If,
76 after such investigation, the deputy director for oil and
77 gas or the director finds that there is substantial evidence
78 which, if true, warrants removal of the inspector or super-
79 vising inspector, he shall file a petition with the oil and
80 gas inspectors' examining board requesting removal
81 of the inspector or supervising inspector.

82 On receipt of a petition by the deputy director for oil
83 and gas or by the director of the department of mines
84 seeking removal of an inspector or the supervising in-
85 spector, the oil and gas inspectors' examining board shall
86 promptly notify the inspector or supervising inspector, as

87 the case may be, to appear before it at a time and place
88 designated in said notice, which time shall be not less than
89 fifteen days nor more than thirty days thereafter. There
90 shall be attached to the copy of the notice served upon
91 the inspector or supervising inspector a copy of the peti-
92 tion filed with such board.

93 At the time and place designated in said notice, the oil
94 and gas inspectors' examining board shall hear all evi-
95 dence offered in support of the petition and on behalf of
96 the inspector or supervising inspector. Each witness shall
97 be sworn and a transcript shall be made of all evidence
98 taken and proceedings had at any such hearing. No con-
99 tinuance shall be granted except for good cause shown.

100 The chairman of the board, the deputy director for oil
101 and gas, and the director of the department of mines shall
102 have power to administer oaths and subpoena witnesses.

103 Any inspector or supervising inspector who shall wil-
104 fully refuse or fail to appear before such board, or having
105 appeared, shall refuse to answer under oath any relevant
106 question on the ground that his testimony or answer
107 might incriminate him, or shall refuse to accept a grant of

108 immunity from prosecution on account of any relevant
109 matter about which he may be asked to testify at such
110 hearing before such board, shall forfeit his position.

111 If, after hearing, the oil and gas inspectors' examining
112 board finds that the inspector or supervising inspector
113 should be removed, it shall enter an order to that effect.
114 The decision of the board shall be final and shall not be
115 subject to judicial review.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompa

Chairman Senate Committee

Clayton C. Davidson

Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Meyers

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Lyndon B. Johnson

President of the Senate

Sam F. Boring

Speaker House of Delegates

The within is approved this the 28th
day of February, 1969.

Arch A. Shaue, Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 2/25/69

Time 3:25 p.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA