WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 101

(By Mr. Hedrick)

PASSED February 27, 1969
In Effect

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-3-69
E N R O L L E D

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

(b) In order to qualify for appointment as an oil and
gas inspector or supervising inspector, an eligible appli-
cant shall submit to a written and oral examination by
the oil and gas inspectors’ examining board and shall
furnish such evidence of good health, character and other
facts establishing eligibility as such board may require.

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

(c) The salary of the supervising inspector shall be not less than seven thousand dollars per annum, nor more than eleven thousand dollars per annum, and reasonable traveling expenses. Salaries of inspectors shall not be less than six thousand dollars per annum, nor more than nine thousand four hundred dollars per annum, and reasonable traveling expenses. Within the limits provided by law, the salary of each inspector and of the supervising inspector shall be fixed by the deputy director for oil and gas, subject to the approval of the director of the department of mines and oil and gas inspectors' examining board. In fixing salaries of the oil and gas inspectors and of the supervising inspector, the deputy director for oil and gas shall consider ability, perform-
ance of duty, and experience. No reimbursement for traveling expenses shall be made except upon an itemized account of such expenses submitted by the inspector or supervising inspector, as the case may be, who shall verify, upon oath, that such expenses were actually incurred in the discharge of his official duties.

(d) An inspector or the supervising inspector, after having received a permanent appointment, shall be removed from office only for physical or mental impairment, incompetency, neglect of duty, drunkenness, malfeasance in office, or other good cause.

Proceedings for the removal of an oil and gas inspector or the supervising inspector may be initiated by the deputy director for oil and gas or the director of the department of mines whenever either has reasonable grounds to believe and does believe that adequate cause exists warranting removal. Such a proceeding shall be initiated by a verified petition, filed with the oil and gas inspectors' examining board by the deputy director for oil and gas or the director, setting forth with particularity the facts alleged. Not less than twenty reputable
citizens engaged in oil and/or gas drilling and production operations in the state may petition the deputy director for oil and gas or the director of the department of mines for the removal of an inspector or the supervising inspector. If such petition is verified by at least one of the petitioners, based on actual knowledge of the affiant, and alleges facts which, if true, warrant the removal of the inspector or supervising inspector, the deputy director for oil and gas or the director of the department of mines shall cause an investigation of the facts to be made. If, after such investigation, the deputy director for oil and gas or the director finds that there is substantial evidence which, if true, warrants removal of the inspector or supervising inspector, he shall file a petition with the oil and gas inspectors’ examining board requesting removal of the inspector or supervising inspector.

On receipt of a petition by the deputy director for oil and gas or by the director of the department of mines seeking removal of an inspector or the supervising inspector, the oil and gas inspectors’ examining board shall promptly notify the inspector or supervising inspector, as
the case may be, to appear before it at a time and place
designated in said notice, which time shall be not less than
fifteen days nor more than thirty days thereafter. There
shall be attached to the copy of the notice served upon
the inspector or supervising inspector a copy of the peti-
tion filed with such board.

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

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

Any inspector or supervising inspector who shall wil-
fully refuse or fail to appear before such board, or having
appeared, shall refuse to answer under oath any relevant
question on the ground that his testimony or answer
might incriminate him, or shall refuse to accept a grant of
immunity from prosecution on account of any relevant matter about which he may be asked to testify at such hearing before such board, shall forfeit his position.

If, after hearing, the oil and gas inspectors' examining board finds that the inspector or supervising inspector should be removed, it shall enter an order to that effect.

The decision of the board shall be final and shall not be subject to judicial review.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompon
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Ngser
Clerk of the Senate

C.A. Blankenship
Clerk of the House of Delegates

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

Governor