WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

SENATE BILL NO. 21

(Passed by Mr. McGOVIT, Mr. President, original sponsor)

PASSED MARCH 9, 1972

In Effect 90 DAYS FROM PASSAGE

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-29-72
AN ACT to amend and reenact sections one-b, one-d and one-e, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to eligibility requirements for deputy director of oil and gas; increasing salaries of inspectors and increasing traveling expenses; and increasing pay of board members.

Be it enacted by the Legislature of West Virginia:

That sections one-b, one-d and one-e, 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.

§22-4-1b. Deputy director for oil and gas—Eligibility.

1 The deputy director for oil and gas shall be a citizen of West Virginia, shall be a competent person of good reputation and temperate habits and be a registered professional engineer and shall have had at least ten years' practical experience in the oil and gas industry.
2 A degree in geology or in mining or petroleum engineering shall be counted as two years' practical experience.
3 The deputy director for oil and gas shall devote all of his time to his duties, and shall not be directly or indirectly interested financially in any oil or gas production or drilling or in any coal mine in this state.
§22-4-ld. Same—Eligibility for appointment; qualifications; salary; expenses; removal.

(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 geology or in mining or petroleum engineering 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 applicant 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 twelve thousand dollars per annum and ten cents per mile traveling expenses. Salaries of inspectors shall be not less than ten thousand four hundred dollars per annum and traveling expenses for personal car of ten cents per mile. 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 depart-
ment 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, performance 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 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 petition filed with such board.

At the time and place designated in said notice, the oil and gas inspectors' examining board shall hear all evidence 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 continuance 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 willfully 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.
§22-4-1e. Oil and gas inspectors' examining board; per diem and mileage allowance; oath; powers and duties; appeals from suspension orders.

There is hereby created an oil and gas inspectors' examining board consisting of five members who, except for the public representative on such board, shall be appointed by the governor, by and with the advice and consent of the Senate. Members may be removed only for the same causes and like manner as elective state officers. One member of the board, who shall be the representative of the public, shall be the professor in charge of the petroleum engineering department of the school of mines at West Virginia University; two members shall be persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of independent oil and gas operators; and two members shall be persons who by reason of previous training and experience may reasonably be said to represent the viewpoint of major oil and gas producers.

The deputy director for oil and gas shall be an “ex officio” member of the board, and shall serve as secretary of the board without additional compensation, but he shall have no right to vote with respect to any matter before the board.

The members of the board, except the public representative, shall be appointed for overlapping terms of eight years, except that the original appointments shall be for terms of two, four, six and eight years, respectively. Any member whose term expires may be reappointed by the governor.

Each member of the board shall receive fifty dollars per diem while actually engaged in the performance of the work of the board; and shall receive mileage at the rate of ten cents for each mile actually traveled going from the home of the member to the place of the meeting of the board and returning therefrom, which shall be paid out of the state treasury upon a requisition upon the state auditor, properly certified by such members of the board.
The public member shall serve as chairman of the board.

Members of the board, before performing any duty shall take and subscribe to the oath required by article four, section five of the constitution of West Virginia.

The board shall meet at such times and places as shall be designated by the chairman. It shall be the duty of the chairman to call a meeting of the board on the written request of two members, or on the written request of the deputy director for oil and gas or the director of the department of mines. Notice of each meeting shall be given in writing to each member by the secretary at least five days in advance of the meeting. Three voting members shall constitute a quorum for the transaction of business.

In addition to other powers and duties expressly set forth elsewhere in this article, the board shall:

(1) Establish, and from time to time revise, forms of application for employment as an oil and gas inspector and supervising inspector and forms for written examinations to test the qualifications of candidates, with such distinctions, if any, in the forms for oil and gas inspector and supervising inspector as the board may from time to time deem necessary or advisable;

(2) Adopt and promulgate reasonable rules and regulations relating to the examination, qualification and certification of candidates for appointment, and relating to hearings for removal of inspectors or the supervising inspector, required to be held by this article. All of such rules and regulations shall be printed and a copy thereof furnished by the secretary of the board to any person upon request;

(3) Conduct, after public notice of the time and place thereof, examinations of candidates for appointment. By unanimous agreement of all members of the board, one or more members of the board or an employee of the department of mines may be designated to give to a candidate the written portion of the examination;

(4) Prepare and certify to the deputy director for oil and gas and the director of the department of mines a register of qualified eligible candidates for appointment
as oil and gas inspectors or as supervising inspectors, with
such differentiation, if any, between the certification of
candidates for oil and gas inspectors and for supervising
inspector as the board may from time to time deem
necessary or advisable. The register shall list all quali-
fied eligible candidates in the order of their grades, the
candidate with the highest grade appearing at the top of
the list. After each meeting of the board held to examine
such candidates and at least annually, the board shall
prepare and submit to the deputy director for oil and gas
and the director of the department of mines a revised and
corrected register of qualified eligible candidates for ap-
pointment, deleting from such revised register all per-
sons (a) who are no longer residents of West Virginia,
(b) who have allowed a calendar year to expire without,
in writing, indicating their continued availability for such
appointment, (c) who have been passed over for appoint-
ment for three years, (d) who have become ineligible for
appointment since the board originally certified that such
persons were qualified and eligible for appointment, or
(e) who, in the judgment of at least three members of the
board, should be removed from the register for good
cause;
(5) Cause the secretary of the board to keep and pre-
serve the written examination papers, manuscripts, grad-
ing sheets and other papers of all applicants for appoint-
ment for such period of time as may be established by the
board. Specimens of the examinations given, together
with the correct solution of each question, shall be pre-
served permanently by the secretary of the board;
(6) Issue a letter or written notice of qualification to
each successful eligible candidate;
(7) Hear and determine proceedings for the removal of
inspectors or the supervising inspector in accordance with
the provisions of this article;
(8) Hear and determine appeals of inspectors or the
supervising inspector from suspension orders made by
the deputy director for oil and gas pursuant to the pro-
visions of section one-a of this article: Provided, That in
order to appeal from any order of suspension, an ag-
117  grievances inspector or supervising inspector shall file such
118  appeal in writing with the oil and gas inspectors' examin-
119  ing board not later than ten days after receipt of the
120  notice of suspension. On such appeal the board shall
121  affirm the action of the deputy director for oil and gas
122  unless it be satisfied from a clear preponderance of the
123  evidence that the deputy director for oil and gas has acted
124  arbitrarily; and
125  (9) Make an annual report to the governor concerning
126  the administration of oil and gas inspection personnel in
127  the state service; making such recommendations as the
128  board considers to be in the public interest.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee
Phyllis J. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate
Clerk of the House of Delegates

President of the Senate
Speaker House of Delegates

The within __________ approved this the ___

day of __________________, 1972.

Governor
PRESENTED TO THE GOVERNOR

Date 3/16/72
Time 2:10 p.m.

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

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