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CLERK OF
HOUSE OF DELEGATES
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

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ENROLLED

Committee Substitute for

HOUSE BILL No. 1564

(By Mr. Seibert.....)

— ● —

PASSED May 15,..... 1976

In Effect July 1, 1976..... ~~Passage~~



FILED IN THE OFFICE
JAMES R. MCCARTNEY
SECRETARY OF STATE

THIS DATE 5/25/76

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1564
(By MR. SEIBERT)

(Originating in the House Committee on Finance)

[Passed May 15, 1976; in effect July 1, 1976.]

AN ACT to amend and reenact sections one-c, 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 the salary and mileage allowance for the supervising inspector, oil and gas inspectors and oil and gas examining board.

Be it enacted by the Legislature of West Virginia:

That sections one-c, 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.

§22-4-1c. Oil and gas inspectors—Supervising inspectors; tenure; oath and bond.

- 1 Notwithstanding any other provisions of law, oil and gas
- 2 inspectors shall be selected, serve and be removed as in this
- 3 article provided.
- 4 The deputy director for oil and gas shall divide the state

5 so as to equalize, as far as practical, the work of each oil
6 and gas inspector. He may designate a supervising inspector
7 and other inspectors as may be necessary, and may designate
8 their places of abode, at points convenient to the accomplish-
9 ment of their work.

10 The deputy director for oil and gas shall make each ap-
11 pointment from among the three qualified eligible candi-
12 dates on the register having the highest grades. The direc-
13 tor of the department of mines or the deputy director for
14 oil and gas, may for good cause, at least thirty days prior
15 to making an appointment, strike any name from the regis-
16 ter. Upon striking any name from the register, the director
17 or deputy director, as the case may be, shall immediately
18 notify in writing each member of the oil and gas inspectors'
19 examining board of his action, together with a detailed state-
20 ment of the reasons therefor. Thereafter, the oil and gas
21 inspectors' examining board, after hearing, if it finds that the
22 action of striking such name was arbitrary or unreason-
23 able, may order the name of any candidate so stricken from
24 the register to be reinstated thereon. Such reinstatement
25 shall be effective from the date of removal from the register.

26 Any candidate passed over for appointment for three
27 years shall be automatically stricken from the register.

28 After having served for a probationary period of one
29 year to the satisfaction of the deputy director for oil and
30 gas and the director, an oil and gas inspector or supervising
31 inspector shall have permanent tenure until he becomes
32 seventy years of age, subject only to dismissal for cause
33 in accordance with the provisions of section one-d of this
34 article. No oil and gas inspector or supervising inspector
35 while in office shall be directly or indirectly interested as
36 owner, lessor, operator, stockholder, superintendent or en-
37 gineer of any oil or gas drilling or producing venture or
38 of any coal mine in this state. Before entering upon the
39 discharge of his duties as an oil and gas inspector or super-
40 vising inspector, he shall take the oath of office prescribed
41 by the constitution, and shall execute a bond in the penalty
42 of two thousand dollars, with security to be approved by
43 the director of the department of mines, conditioned upon

44 the faithful discharge of his duties, a certificate of which
45 oath and bond shall be filed in the office of the secretary of
46 state.

47 The supervising inspector and oil and gas inspectors shall
48 perform such duties as are imposed upon them by this
49 chapter, and related duties assigned by the deputy director
50 for oil and gas upon approval of the director.

§22-4-1d. Same—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
3 the time of his probationary appointment he (1) is a
4 citizen of West Virginia, in good health, and of good
5 character, reputation and temperate habits; (2) has had
6 at least ten years' practical experience in the oil and gas
7 industry, at least five years of which, immediately pre-
8 ceding his original appointment shall have been in the
9 oil and gas industry in this state: *Provided*, That a diploma
10 in geology or in mining or petroleum engineering shall be
11 considered the equivalent of five years' practical experience;
12 and (3) has good theoretical and practical knowledge of
13 oil and gas drilling and production methods, practices and
14 techniques, sound safety practices and applicable mining
15 laws.

16 (b) In order to qualify for appointment as an oil and
17 gas inspector or supervising inspector, an eligible applicant
18 shall submit to a written and oral examination by the
19 oil and gas inspectors' examining board and shall furnish
20 such evidence of good health, character and other facts
21 establishing eligibility as such board may require. If such
22 board finds after investigation and examination that an ap-
23 plicant (1) is eligible for appointment and (2) has passed
24 all written and oral examinations, the board shall add such
25 applicant's name and grade to the register of qualified eligible
26 candidates and certify its action to the deputy director for
27 oil and gas. No candidate's name shall remain on the register
28 for more than three years without requalifying.

29 (c) The salary of the supervising inspector shall be not

30 less than fifteen thousand two hundred twenty-two dollars
31 per annum and not more than fifteen cents per mile traveling
32 expenses. Salaries of inspectors shall be not less than thirteen
33 thousand three hundred twenty-five dollars per annum and
34 traveling expenses for personal car not more than fifteen
35 cents per mile. Within the limits provided by law, the
36 salary of each inspector and of the supervising inspector
37 shall be fixed by the deputy director for oil and gas, sub-
38 ject to the approval of the director of the department of
39 mines and oil and gas inspectors' examining board. In fixing
40 salaries of the oil and gas inspectors and of the supervising
41 inspector, the deputy director for oil and gas shall consider
42 ability, performance of duty and experience. No reim-
43 bursement for traveling expenses shall be made except upon
44 an itemized account of such expenses submitted by the in-
45 spector or supervising inspector, as the case may be, who
46 shall verify, upon oath, that such expenses were actually
47 incurred in the discharge of his official duties.

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

53 Proceedings for the removal of an oil and gas inspector
54 or the supervising inspector may be initiated by the deputy
55 director for oil and gas or the director of the department
56 of mines whenever either has reasonable grounds to believe
57 and does believe that adequate cause exists warranting re-
58 moval. Such a proceeding shall be initiated by a verified
59 petition, filed with the oil and gas inspectors' examining
60 board by the deputy director for oil and gas or the director,
61 setting forth with particularity the facts alleged. Not less
62 than twenty reputable citizens engaged in oil and gas drilling
63 and production operations in the state may petition the
64 deputy director for oil and gas or the director of the de-
65 partment of mines for the removal of an inspector or the
66 supervising inspector. If such petition is verified by at least
67 one of the petitioners, based on actual knowledge of the
68 affiant, and alleges facts which, if true, warrant the removal
69 of the inspector or supervising inspector, the deputy director

70 for oil and gas or the director of the department of mines
71 shall cause an investigation of the facts to be made. If,
72 after such investigation, the deputy director for oil and
73 gas or the director finds that there is substantial evidence
74 which, if true, warrants removal of the inspector or super-
75 vising inspector, he shall file a petition with the oil and
76 gas inspectors' examining board requesting removal of the
77 inspector or supervising inspector.

78 On receipt of a petition by the deputy director for oil and
79 gas or by the director of the department of mines seek-
80 ing removal of an inspector or the supervising inspector,
81 the oil and gas inspectors' examining board shall promptly
82 notify the inspector or supervising inspector, as the case
83 may be, to appear before it at a time and place designated in
84 said notice, which time shall be not less than fifteen days
85 nor more than thirty days thereafter. There shall be attached
86 to the copy of the notice served upon the inspector or
87 supervising inspector a copy of the petition filed with such
88 board.

89 At the time and place designated in said notice, the
90 oil and gas inspectors' examining board shall hear all evidence
91 offered in support of the petition and on behalf of the
92 inspector or supervising inspector. Each witness shall be
93 sworn and a transcript shall be made of all evidence taken
94 and proceedings had at any such hearing. No continuance
95 shall be granted except for good cause shown.

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

99 An inspector or supervising inspector who shall willfully
100 refuse or fail to appear before such board, or having appeared,
101 shall refuse to answer under oath any relevant question on
102 the ground that his testimony or answer might incriminate
103 him, or shall refuse to accept a grant of immunity from
104 prosecution on account of any relevant matter about which
105 he may be asked to testify at such hearing before such
106 board, shall forfeit his position.

107 If, after hearing, the oil and gas inspectors' examining

108 board finds that the inspector or supervising inspector should
109 be removed, it shall enter an order to that effect. The decision
110 of the board shall be final and shall not be subject to judicial
111 review.

§22-4-1e. Oil and gas inspectors' examining board created; composition; appointment, term and compensation of members; chairman; oaths of members; meetings; powers and duties generally.

1 There is hereby created an oil and gas inspectors' ex-
2 amining board consisting of five members who, except for
3 the public representative on such board, shall be appointed
4 by the governor, by and with the advice and consent of
5 the Senate. Members may be removed only for the same
6 causes and like manner as elective state officers. One mem-
7 ber of the board who shall be the representative of the public,
8 shall be a professor in the petroleum engineering department
9 of the school of mines at West Virginia University appointed
10 by the dean of said school; two members shall be persons
11 who by reason of previous training and experience may rea-
12 sonably be said to represent the viewpoint of independent oil
13 and gas operators; and two members shall be persons who
14 by reason of previous training and experience may reasonably
15 be said to represent the viewpoint of major oil and gas
16 producers.

17 The deputy director for oil and gas shall be an ex of-
18 ficio member of the board and shall serve as secretary of
19 the board without additional compensation, but he shall
20 have no right to vote with respect to any matter before the
21 board.

22 The members of the board, except the public representa-
23 tive, shall be appointed for overlapping terms of eight
24 years, except that the original appointments shall be for
25 terms of two, four, six and eight years, respectively. Any
26 member whose term expires may be reappointed by the
27 governor.

28 Each member of the board shall receive seventy-five dol-
29 lars per diem while actually engaged in the performance
30 of the work of the board; and shall receive mileage at the

31 rate of not more than fifteen cents for each mile actually
32 traveled going from the home of the member to the place
33 of the meeting of the board and returning therefrom, which
34 shall be paid out of the state treasury upon a requisition
35 upon the state auditor, properly certified by such members
36 of the board.

37 The public member shall serve as chairman of the board.

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

41 The board shall meet at such times and places as shall
42 be designated by the chairman. It shall be the duty of the
43 chairman to call a meeting of the board on the written
44 request of two members, or on the written request of the
45 deputy director for oil and gas or the director of the depart-
46 ment of mines. Notice of each meeting shall be given in
47 writing to each member by the secretary at least five days in
48 advance of the meeting. Three voting members shall con-
49 stitute a quorum for the transaction of business.

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

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

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

66 (3) Conduct, after public notice of the time and place
67 thereof, examinations of candidates for appointment. By

68 unanimous agreement of all members of the board, one or
69 more members of the board or an employee of the depart-
70 ment of mines may be designated to give to a candidate
71 the written portion of the examination;

72 (4) Prepare and certify to the deputy director for oil
73 and gas and the director of the department of mines a
74 register of qualified eligible candidates for appointment as
75 oil and gas inspectors or as supervising inspectors, with
76 such differentiation, if any, between the certification of can-
77 didates for oil and gas inspectors and for supervising in-
78 spector as the board may from time to time deem neces-
79 sary or advisable. The register shall list all qualified eligible
80 candidates in the order of their grades, the candidate with
81 the highest grade appearing at the top of the list. After
82 each meeting of the board held to examine such candidates
83 and at least annually, the board shall prepare and submit
84 to the deputy director for oil and gas and the director
85 of the department of mines a revised and corrected register
86 of qualified eligible candidates for appointment, deleting from
87 such revised register all persons (a) who are no longer
88 residents of West Virginia, (b) who have allowed a calendar
89 year to expire without, in writing, indicating their continued
90 availability for such appointment, (c) who have been passed
91 over for appointment for three years, (d) who have be-
92 come ineligible for appointment since the board originally
93 certified that such persons were qualified and eligible for
94 appointment, or (e) who, in the judgment of at least three
95 members of the board, should be removed from the register
96 for good cause;

97 (5) Cause the secretary of the board to keep and pre-
98 serve the written examination papers, manuscripts, grading
99 sheets and other papers of all applicants for appointment
100 for such period of time as may be established by the board.
101 Specimens of the examinations given, together with the correct
102 solution of each question, shall be preserved permanently by the
103 secretary of the board;

104 (6) Issue a letter or written notice of qualification to
105 each successful eligible candidate;

106 (7) Hear and determine proceedings for the removal of

107 inspectors or the supervising inspector in accordance with
108 the provisions of this article;

109 (8) Hear and determine appeals of inspectors or the super-
110 vising inspector from suspension orders made by the deputy
111 director for oil and gas pursuant to the provisions of section
112 one-a of this article: *Provided*, That in order to appeal from
113 any order of suspension, an aggrieved inspector or super-
114 vising inspector shall file such appeal in writing with the oil
115 and gas inspectors' examining board not later than ten days
116 after receipt of the notice of suspension. On such appeal the
117 board shall affirm the action of the deputy director for oil and
118 gas unless it be satisfied from a clear preponderance of the
119 evidence that the deputy director for oil and gas has acted
120 arbitrarily;

121 (9) Make an annual report to the governor concerning
122 the administration of oil and gas inspection personnel in
123 the state service; making such recommendations as the board
124 considers to be in the public interest; and

125 (10) Render such advice and assistance to the deputy
126 director for oil and gas as he shall from time to time de-
127 termine necessary or desirable in the performance of his
128 duties.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chuston Jr.
Chairman House Committee

Originated in the House.

Takes effect July 1, 1976.

Joseph J. Dillon Jr.
Clerk of the Senate

V. A. Blankenship
Clerk of the House of Delegates

W. T. Brubaker Jr.
President of the Senate

Lewis H. McPherson
Speaker House of Delegates

The within approved this the 24th
day of _____, 1976.

Archie Shroyer Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 5/20/16
Time 1:55 p.m.