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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

SENATE BILL NO. 183

(By Mr. Jansouick et al.)



PASSED March 12, 1983

In Effect ninety days from Passage



ENROLLED
Senate Bill No. 183

(BY MR. TONKOVICH AND MR. BOETTNER)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact sections one-a, one-d, two and nine, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section twenty-two, all relating to oil and gas wells; creation of and powers and duties of the office of oil and gas and administration thereof; increasing the fee for natural gas policy act certifications; providing permit application fees and exception; providing for appointment of oil and gas inspectors and supervising inspector; providing for the qualifications, minimum salaries, expenses reimbursable and removal of appointed inspectors and supervising inspector; raising the bond for a permit to drill, fracture or stimulate an oil or gas well and the blanket bond to drill, fracture or stimulate a number of such wells; increasing the required cash deposit to be deposited with the administrator to permit release of the bond; raising the bond requirement for plugging or abandoning a well or plugging or abandoning a number of wells; providing for reorganization of the office of oil and gas for proper and effective administration and to enforce this article and requiring the submission of reports of compliance with such reorganization requirements and time therefor.

Be it enacted by the Legislature of West Virginia:

That sections one-a, one-d, two and nine, article four, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said article four be further amended by adding thereto a new section, designated section twenty-two, all to read as follows:

W. J. [unclear]

Article 4. OIL AND GAS WEALS.
§22-4-1a. Office of oil and gas — Purposes; rules; administration; appointments; powers and duties; public records.

1 (a) There is hereby created, under the jurisdiction of the
2 director of the department of mines, an office of oil and gas
3 which shall have as its purpose the supervision of the
4 execution and enforcement of matters related to oil and gas
5 set out in this article and in articles five and seven of this
6 chapter.

7 (b) The office of oil and gas is authorized to enact rules
8 necessary to effectuate the above stated purposes.

9 (c) There shall be an employee of the office of oil and gas
10 whose title shall be "administrator of the office of oil and
11 gas" who shall be appointed by the director of the
12 department of mines to serve at the will and pleasure of the
13 director and whose salary shall be set by the director. The
14 administrator shall have full charge of the oil and gas
15 matters set out in this article and in articles five and seven
16 of this chapter, subject always to the direct supervision and
17 control of the director of the department of mines. As such
18 the administrator shall have the power and duty to:

19 (1) Supervise and direct the activities of the office of oil
20 and gas and see that the purposes set forth in subsections (a)
21 and (b) of this section are carried out;

22 (2) Employ a supervising oil and gas inspector and oil
23 and gas inspectors upon approval by the director;

24 (3) Supervise and direct such oil and gas inspectors and
25 supervising inspector in the performance of their duties;

26 (4) Suspend for good cause any oil and gas inspector or
27 supervising inspector without compensation for a period
28 not exceeding thirty days in any calendar year;

29 (5) Prepare report forms to be used by oil and gas
30 inspectors or the supervising inspector in making their
31 findings, orders and notices, upon inspections made in
32 accordance with this chapter;

33 (6) Employ a hearing officer and such clerks,
34 stenographers and other employees, as may be necessary to
35 carry out his duties and the purposes of the office of oil and
36 gas, and fix their compensation;

37 (7) Hear and determine applications made by owners,
38 well operators, and coal operators for the annulment or
39 revision of orders made by oil and gas inspectors or the
40 supervising inspector, and to make inspections, in
41 accordance with the provisions of this article and articles
42 five and seven of this chapter;

43 (8) Cause a properly indexed permanent and public
44 record to be kept of all inspections made by himself or by oil
45 and gas inspectors or the supervising inspector;

46 (9) Make annually a full and complete written report to
47 the director of the department of mines in such form and
48 detail as the director may from time to time request, so that
49 the director can complete the preparation of the director's
50 annual report to the governor of the state;

51 (10) Conduct such research and studies as the director
52 shall deem necessary to aid in protecting the health and
53 safety of persons employed within or at potential or existing
54 oil or gas production fields within this state, to improve
55 drilling and production methods and to provide for the
56 more efficient protection and preservation of oil and gas-
57 bearing rock strata and property used in connection
58 therewith;

59 (11) Perform any and all acts necessary to carry out and
60 implement the state requirements established by 92
61 Statutes at Large 3352, et seq., the "Natural Gas Policy Act
62 of 1978," which are to be performed by a designated state
63 jurisdictional agency regarding determinations that wells
64 within the state qualify for a maximum lawful price under
65 certain categories of natural gas as set forth by the
66 provisions of the said "Natural Gas Policy Act of 1978";

67 (12) Collect a filing and processing fee of forty dollars
68 for each well, for which a determination of qualification to
69 receive a maximum lawful price under the provisions of the
70 "Natural Gas Policy Act of 1978" is sought from the
71 administrator; all revenues from such fees to be placed in
72 the general revenue fund of the state;

73 (13) Collect a permit fee of two hundred fifty dollars for
74 each permit application filed after the effective date of this

75 subdivision: *Provided*, That no permit application fee shall
76 be required when an application is submitted solely for
77 plugging or replugging of a well. All application fees
78 required hereunder shall be in addition to any other fees
79 required by the provisions of this article;

80 (14) Perform all other duties which are expressly
81 imposed upon him by the provisions of this chapter, as well
82 as duties assigned to him by the director of the department
83 of mines.

84 (d) All records of the department shall be open to the
85 public.

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

1 (a) No person is eligible for appointment as an oil and
2 gas inspector or supervising inspector unless, at the time of
3 his probationary appointment he (1) is a citizen of West
4 Virginia, in good health, and of good character, reputation
5 and temperate habits; (2) has had at least ten years'
6 practical experience in the oil and gas industry, at least five
7 years of which, immediately preceding his original
8 appointment shall have been in the oil and gas industry in
9 this state: *Provided*, That a diploma in geology or in mining
10 or petroleum engineering shall be considered the equivalent
11 of five years' practical experience; and (3) has good
12 theoretical and practical knowledge of oil and gas drilling
13 and production methods, practices and techniques, sound
14 safety practices and applicable mining laws.

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

28 (c) The salary of the supervising inspector shall be not
29 less than twenty-five thousand dollars per annum. Salaries

30 of inspectors shall be not less than twenty thousand dollars
31 per annum. The supervising inspector and inspectors shall
32 receive mileage expense reimbursement at the rate
33 established by rule of the commissioner of the department
34 of finance and administration for in-state travel of public
35 employees. With the limits provided by law, the salary of
36 each inspector and of the supervising inspector shall be
37 fixed by the administrator, subject to the approval of the
38 director of the department of mines and oil and gas
39 inspectors' examining board. In fixing salaries of the oil and
40 gas inspectors and of the supervising inspector, the
41 administrator shall consider ability, performance of duty
42 and experience. No reimbursement for traveling expenses
43 may be made except upon an itemized account of such
44 expenses submitted by the inspector or supervising
45 inspector, as the case may be, who shall verify, upon oath,
46 that such expenses were actually incurred in the discharge
47 of his official duties.

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

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

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72 administrator or the director finds that there is substantial
73 evidence which, if true, warrants removal of the inspector
74 or supervising inspector, he shall file a petition with the oil
75 and gas inspectors' examining board requesting removal of
76 the inspector or supervising inspector.

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

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

95 The chairman of the board, the administrator and the
96 director of the department of mines may administer oaths
97 and subpoena witnesses.

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

106 If, after hearing, the oil and gas inspectors' examining
107 board finds that the inspector or supervising inspector
108 should be removed, it shall enter an order to that effect. The
109 decision of the board shall be final and shall not be subject
110 to judicial review.

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~~ARTICLE 4. OIL AND GAS WELLS.~~

§22-4-2. Plats prerequisite to drilling or fracturing wells;
preparation and contents; notice and information

**furnished to coal operators, owners or lessees;
issuance of permits; performance bonds or
securities in lieu thereof; bond forfeiture.**

1 Before drilling for oil or gas, or before fracturing or
2 stimulating a well on any tract of land, the well operator
3 shall have a plat prepared by a licensed land surveyor or
4 registered engineer showing the district and county in
5 which the tract of land is located, the name and acreage of
6 the same, the names of the owners of adjacent tracts, the
7 proposed or actual location of the well determined by
8 survey, the courses and distances of such location from two
9 permanent points or landmarks on said tract and the
10 number to be given the well and the date of drilling
11 completion of a well when it is proposed that such well be
12 fractured and shall forward by registered or certified mail a
13 copy of the plat to the department of mines. In the event the
14 tract of land on which the said well proposed to be drilled or
15 fractured is located is known to be underlaid with one or
16 more coal seams, copies of the plat shall be forwarded by
17 registered or certified mail to each and every coal operator
18 operating said coal seams beneath said tract of land, who
19 has mapped the same and filed his maps with the
20 department in accordance with article two of this chapter,
21 and the coal seam owner of record and lessee of record, if
22 any, if said owner or lessee has recorded the declaration
23 provided in section twenty of this article, and if said owner
24 or lessee is not yet operating said coal seams beneath said
25 tract of land. With each of such plats there shall be enclosed
26 a notice (form for which shall be furnished on request by the
27 department of mines) addressed to the department of mines
28 and to each such coal operator, owner and lessee, if any, at
29 their respective addresses, informing them that such plat
30 and notice are being mailed to them respectively by
31 registered or certified mail, pursuant to the requirements of
32 this article. If no objections are made, or are found by the
33 department, to such proposed location or proposed
34 fracturing within fifteen days from receipt of such plat and
35 notice by the department of mines, the same shall be filed
36 and become a permanent record of such location or
37 fracturing subject to inspection at any time by any
38 interested person, and the department may forthwith issue
39 to the well operator a permit reciting the filing of such plat,

40 that no objections have been made by the coal operators,
41 owners and lessees, if any, or found thereto by the
42 department, and authorizing the well operator to drill at
43 such location, or to fracture the well. Unless the department
44 has objections to such proposed location or proposed
45 fracturing or stimulating, such permit may be issued prior
46 to the expiration of such fifteen-day period upon the
47 obtaining by the well operator of the consent in writing of
48 the coal operator or operators, owners and lessees, if any, to
49 whom copies of the plat and notice shall have been mailed
50 as herein required, and upon presentation of such written
51 consent to the department. The notice above provided for
52 may be given to the coal operator by delivering or mailing it
53 by registered or certified mail as above to any agent or
54 superintendent in actual charge of mines.

55 A permit to drill, or to fracture or stimulate an oil or gas
56 well, shall not be issued unless the application therefor is
57 accompanied by a bond of the operator in the sum of ten
58 thousand dollars, payable to the state of West Virginia, with
59 a corporate bonding or surety company authorized to do
60 business in this state as surety thereon, conditioned on full
61 compliance with all laws, rules and regulations relating to
62 the drilling, redrilling, deepening, casing, plugging,
63 abandonment and reclamation of wells and for furnishing
64 such reports and information as may be required by the
65 department: *Provided*, That when such operator makes or
66 has made application for permits to drill a number of wells
67 or fracture or stimulate a well or wells the operator may in
68 lieu of furnishing a separate bond furnish a blanket bond in
69 the sum of fifty thousand dollars, payable to the state of
70 West Virginia, with a corporate bonding or surety company
71 authorized to do business in this state as surety thereon, and
72 conditioned as aforesaid: *Provided, however*, That in lieu of
73 corporate surety on a separate or blanket bond, as the case
74 may be, the operator may elect to deposit with the
75 administrator cash or the following collateral securities or
76 any combination thereof: (1) Bonds of the United States or
77 agency thereof, or those guaranteed by, or for which the
78 credit of the United States or agency therefor is pledged for
79 the payment of the principal and interest thereof; (2) direct
80 general obligation bonds of this state, or any other state, or
81 territory of the United States, or the District of Columbia,

82 unconditionally guaranteed as to the principal and interest
83 by such other state or territory of the United States, or the
84 District of Columbia if such other state, territory, or the
85 District of Columbia has the power to levy taxes for the
86 payment of the principal and interest of such securities, and
87 if at the time of the deposit such other state, territory, or the
88 District of Columbia is not in default in the payment of any
89 part of the principal or interest owing by it upon any part of
90 its funded indebtedness; (3) direct general obligation bonds
91 of any county, district, city, town, village, school district or
92 other political subdivision of this state issued pursuant to
93 law and payable from ad valorem taxes levied on all the
94 taxable property located herein, that the total indebtedness
95 after deducting sinking funds and all debts incurred for
96 self-sustaining public works does not exceed five percent of
97 the assessed value of all taxable property therein at the time
98 of the last assessment made before the date of such deposit,
99 and that the issuer has not, within five years prior to the
100 making thereof, been in default for more than ninety days in
101 the payment of any part of the principal or interest on any
102 debt, evidenced by its bonds; (4) revenue bonds issued by
103 this state or any agency of this state when such bonds are
104 payable from revenues or earnings specifically pledged for
105 the payment of principal and interest, and a lawful sinking
106 fund or reserve fund has been established and is being
107 maintained for the payment of such bonds; (5) revenue
108 bonds issued by a municipality in this state for the
109 acquisition, construction, improvement or extension of a
110 waterworks system, or a sewerage system, or a combined
111 waterworks and sewerage system, when such bonds are
112 payable from revenue or earnings specifically pledged for
113 the payment of principal and interest, and a lawful sinking
114 fund or reserve fund has been established and is being
115 maintained for the payment of such bonds; (6) revenue
116 bonds issued by a public service board of a public service
117 district in this state for the acquisition, construction,
118 improvement or extension of any public service properties,
119 or for the reimbursement or payment of the costs and
120 expenses of creating the district, when such bonds are
121 payable from revenue or earnings specifically pledged for
122 the payment of principal and interest, and a lawful sinking
123 fund or reserve fund has been established and is being

124 maintained for the payment of such bonds; (7) revenue
125 bonds issued by a board of trustees of a sanitary district in
126 this state for the corporate purposes of such district, when
127 such bonds are payable from revenue or earnings
128 specifically pledged for the payment of principal and
129 interest, and a lawful sinking fund or reserve fund has been
130 established and is being maintained for the payment of such
131 bonds; and (8) bonds issued by a federal land bank or home
132 owners' loan corporation. The cash deposit or market value,
133 or both, of the collateral securities shall be equal to or
134 greater than the penalty of the separate or blanket bond, as
135 the case may be. Upon receipt of any such deposit or cash or
136 collateral securities, the administrator shall immediately
137 deliver the same to the treasurer of the state of West
138 Virginia. The treasurer shall determine whether any such
139 securities satisfy the requirements of this section. If the
140 securities are approved they shall be accepted by the
141 treasurer. If the securities are not approved, they shall be
142 rejected and returned to the operator and no permit shall be
143 issued until a corporate surety bond is filed or cash or
144 proper collateral securities are filed in lieu of such surety.
145 The treasurer shall hold any cash or securities in the name
146 of the state in trust for the purposes for which the deposit
147 was made. The operator shall be entitled to all interest and
148 income earned on the collateral securities filed by such
149 operator so long as the operator is in full compliance with
150 all laws, rules and regulations relating to the drilling,
151 redrilling, deepening, casing, plugging, abandonment and
152 reclamation of wells and for furnishing such reports and
153 information as may be required by the department. The
154 operator making the deposit shall be entitled from time to
155 time to receive from the treasurer, upon the written order of
156 the administrator, the whole or any portion of such
157 securities upon depositing with the treasurer in lieu thereof
158 cash equal to or greater than the penalty of the bond, or
159 other approved securities of the classes herein specified
160 having a market value equal to or greater than the penalty
161 of the bond, or a corporate surety bond.

162 When an operator has furnished a separate bond from a
163 corporate bonding or surety company to drill, fracture or
164 stimulate an oil or gas well and the well produces oil or gas,
165 or both, its operator may deposit with the administrator

166 cash from the sale of the oil or gas, or both, until the total
167 deposited is ten thousand dollars. When the sum of the cash
168 deposited is ten thousand dollars, the separate bond for the
169 well shall be released by the department. Upon receipt of
170 such cash, the administrator shall immediately deliver the
171 same to the treasurer of the state of West Virginia. The
172 treasurer shall hold such cash in the name of the state in
173 trust for the purpose for which the bond was furnished and
174 the deposit was made. The operator shall be entitled to all
175 interest and income which may be earned on the cash
176 deposited so long as the operator is in full compliance with
177 all laws, rules and regulations relating to the drilling,
178 redrilling, deepening, casing, plugging, abandonment and
179 reclamation of the well for which the cash was deposited
180 and so long as he has furnished all reports and information
181 as may be required by the department. If the cash realized
182 from the sale of oil or gas, or both, from the well is not
183 sufficient for the operator to deposit with the administrator
184 the sum of ten thousand dollars within one year of the day
185 the well started producing, the corporate or surety company
186 which issued the bond on the well may notify the operator
187 and the department of its intent to terminate its liability
188 under its bond. The operator then shall have thirty days to
189 furnish a new bond from a corporate bonding or surety
190 company or collateral securities, as provided in the next
191 preceding paragraph of this section, with the department. If
192 a new bond or collateral securities are furnished by the
193 operator, the liability of the corporate bonding or surety
194 company under the original bond shall terminate as to any
195 acts and operations of the operator occurring after the
196 effective date of the new bond or the date the collateral
197 securities are accepted by the treasurer of the state of West
198 Virginia. If the operator does not furnish a new bond or
199 collateral securities, as provided in the next preceding
200 paragraph of this section, with the department, he shall
201 immediately plug, fill and reclaim the well in accordance
202 with all of the provisions of law, rules and regulations
203 applicable thereto. In such case, the corporate or surety
204 company which issued the original bond shall be liable for
205 any plugging, filling or reclamation not performed in
206 accordance with such laws, rules and regulations.
207 Any such bond shall remain in force until released by the

208 department and the department shall release the same
209 when it is satisfied the conditions thereof have been fully
210 performed. Upon the release of any such bond, any cash or
211 collateral securities deposited shall be returned by the
212 administrator to the operator who deposited same.

213 If any of the requirements of this article or rules and
214 regulations promulgated pursuant thereto or the orders of
215 the administrator have not been complied with within the
216 time limit set by the violation notice as defined in sections
217 one-g, one-h and one-i of this article, the performance bond
218 shall then be forfeited.

219 When any bond is forfeited pursuant to the provisions of
220 this article or rules and regulations promulgated pursuant
221 thereto the administrator shall give notice to the attorney
222 general who shall collect the forfeiture without delay.

223 All forfeitures shall be deposited in the treasury of the
224 state of West Virginia in the special reclamation fund as
225 defined in section twelve-a of this article.

**§22-4-9. Plugging, abandonment and reclamation of well;
notice of intention; performance bonds or securities
in lieu thereof; affidavit showing time and manner.**

1 All dry or abandoned wells or wells presumed to be
2 abandoned under the provisions of section seven of this
3 article shall be plugged and reclaimed in accordance with
4 this section and the other provisions of this article and in
5 accordance with the rules and regulations promulgated by
6 the administrator.

7 Prior to the commencement of plugging operations and
8 the abandonment of any well, the well operator shall either
9 (a) notify, by registered or certified mail, the department of
10 mines and the coal operator operating coal seams, the coal
11 seam owner of record or lessee of record, if any, to whom
12 notices are required to be given by section two of this
13 article, and the coal operators to whom notices are required
14 to be given by section two-a of this article, of its intention to
15 plug and abandon any such well (using such form of notice
16 as the department may provide), giving the number of the
17 well and its location and fixing the time at which the work
18 of plugging and filling will be commenced, which time shall
19 be not less than five days after the day on which such notice
20 so mailed is received or in due course should be received by
21 the department of mines, in order that a representative or

22 representatives of the department and such coal operator,
23 owner or lessee, if any, may be present at the plugging and
24 filling of the well: *Provided*, That whether such
25 representatives appear or do not appear, the well operator
26 may proceed at the time fixed to plug and fill the well in the
27 manner hereinafter described, or (b) first obtain the written
28 approval of the department of mines and such coal
29 operator, owner or lessee, if any, or (c) in the event the well
30 to be plugged and abandoned is one on which drilling or
31 reworking operations have been continuously progressing
32 pursuant to authorization granted by the department, first
33 obtain the verbal permission of the administrator or his
34 designated representative to plug and abandon such well,
35 except that the well operator shall, within a reasonable
36 period not to exceed five days after the commencement of
37 such plugging operations, give the written notices required
38 by subdivision (a) above.

39 No well may be plugged or abandoned unless prior to the
40 commencement of plugging operations and the
41 abandonment of any well the department is furnished a
42 bond of the operator in the sum of ten thousand dollars,
43 payable to the state of West Virginia, with a corporate
44 bonding or surety company authorized to do business in this
45 state as surety thereon, conditioned on full compliance with
46 all laws, rules and regulations relating to the casing,
47 plugging, abandonment and reclamation of wells and for
48 furnishing such reports and information as may be required
49 by the department. When a number of wells are involved,
50 the operator may in lieu of furnishing a separate bond
51 furnish a blanket bond in the sum of fifty thousand dollars,
52 payable to the state of West Virginia, with a corporate
53 bonding or surety company authorized to do business in this
54 state as surety thereon, and conditioned as aforesaid. In lieu
55 of corporate surety on a separate or blanket bond, as the
56 case may be, the operator may elect to deposit with the
57 administrator cash or collateral securities as specified in
58 section two of this article. All of the provisions of section
59 two dealing with cash or collateral securities in lieu of
60 corporate surety shall be fully applicable hereto except for
61 the condition of the bond with respect to which the operator
62 must be in full compliance in order to be entitled to the
63 interest and income earned on such securities. The operator

64 shall be entitled to such interest and income under this
65 section so long as the operator is in full compliance with all
66 laws, rules and regulations relating to the casing, plugging,
67 abandonment and reclamation of wells and for furnishing
68 such reports and information as may be required by the
69 department. Any such bond shall remain in force until
70 released by the department and the department shall
71 release the same when it is satisfied the conditions thereof
72 have been fully performed. Notwithstanding the foregoing
73 provisions, any operator who, in accordance with section
74 two of this article, has furnished a separate bond, which has
75 not been released by the department, for the drilling,
76 converting or drilling for the introduction of liquids, for the
77 disposal of sewage, industrial waste or other waste or the
78 effluent therefrom, or introducing pressure, whether liquid
79 or gas, or introducing liquid for the purposes provided for in
80 section ten-a of this article or fracturing of the well that is
81 now proposed to be plugged and abandoned, or who, in
82 accordance with the provisions of said section two of this
83 article, has furnished a blanket bond which has not been
84 released by the department shall not be required by this
85 section to furnish any other bond. When the plugging,
86 filling and reclamation of a well have been completed, an
87 affidavit, in triplicate, shall be made (on a form to be
88 furnished by the department) by two experienced persons
89 who participated in the work, the administrator or his
90 designated representative, in which affidavit shall be set
91 forth the time and manner in which the well was plugged
92 and filled and the land reclaimed. One copy of this affidavit
93 shall be retained by the well operator, another (or true
94 copies of same) shall be mailed to the coal operator or
95 operators, if any, and the third to the department of mines.

§22-4-22. Reorganization; report required.

- 1 (a) The Legislature finds that the office of the
2 administrator is, as of the first day of February, one
3 thousand nine hundred eighty-three, inadequately
4 organized, staffed, equipped and housed to perform the
5 functions presently assigned to it and likely to be assigned
6 to it.
- 7 (b) The director shall assure that the administrator
8 effectively implements the provisions of this section.
- 9 (c) Within the appropriations and other funds lawfully

10 available to the office, the administrator, under the
11 supervision, direction and authority of the director, shall (1)
12 promptly prepare a plan for the reorganization of the office
13 that will ensure the efficient, fair, modern, prompt and
14 effective administration and enforcement of the statutes
15 now or hereafter committed to the office for execution,
16 including adequate provision for personnel, equipment,
17 training and working space, (2) consult with the civil
18 service commission to design and implement a plan for the
19 retention, attraction, training and appropriate
20 compensation of qualified inspectors, including, if
21 appropriate, separate classifications or steps for inspectors
22 whose training, efficiency and experience may justify
23 increased compensation, (3) design and implement a plan to
24 reduce and ultimately eliminate any existing backlog of
25 work in the approval of filings under the "Natural Gas
26 Policy Act of 1978," the timely and effective processing of
27 permits, applications, the conduct of inspections and
28 enforcement activities, and all other duties assigned to the
29 office by law or developed by departmental rule, (4) design
30 and implement a plan for optimum utilization of personnel,
31 increased use of modern communication and other
32 administration and enforcement techniques, sufficient to
33 assure maximum efficiency of the office within the means
34 provided by appropriations or other funds, and (5) file with
35 the clerk of each house of the Legislature, for immediate
36 presentation to each house, a report of full compliance with
37 this section and any further recommendations of the
38 director or the administrator to assist in the proper
39 operation of the office, which report shall be approved by
40 the director and so filed on the first day of the regular
41 session of the Legislature to be held in the year one
42 thousand nine hundred eighty-four.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *29* day of *March*, 1983.

.....
[Signature]
Governor

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OFFICE
SECY. OF STATE