WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED

HOUSE BILL No. 1136

(By Mr. Dal Niedermus)

Passed March 15, 1985
In Effect From Passage
ENROLLED

H. B. 1136

(By DELEGATE WIEDEBUSCH)

[Passed March 15, 1985; in effect from passage.]

AN ACT to amend and reenact section four, article four-a, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing and reestablishing the oil and gas conservation commission.

Be it enacted by the Legislature of West Virginia:

That section four, article four-a, 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 4A. OIL AND GAS CONSERVATION.

§22-4A-4. Oil and gas conservation commissioner and commission; commission membership; qualifications of members; terms of members; vacancies on commission; meetings; compensation and expenses; appointment and qualifications of commissioner; general powers and duties.

(a) There is hereby created the “West Virginia Oil and Gas Conservation Commission” which shall be composed of five members. The director of the department of natural resources and the deputy director for oil and gas shall be members of the commission ex officio. The remaining three members of the commission shall be appointed by the governor, by and with the advice and consent of the Senate. Of the three members appointed by the governor, one shall be an independent producer and at least one shall be a public member not engaged in full-time employment in an activity under the jurisdiction of the public service commission or the
federal power commission. As soon as practical after
appointment of the members of the commission, the governor
shall call a meeting of the commission to be convened at the
state capitol for the purpose of organizing and electing a
chairman.

(b) The members of the commission appointed by the
governor shall be appointed for overlapping terms of six years
each, except that the original appointments shall be for terms
of two, four and six years, respectively. Each member
appointed by the governor shall serve until his successor has
been appointed and qualified. Members may be appointed by
the governor to serve any number of terms. The members of
the commission appointed by the governor, before performing
any duty hereunder, shall take and subscribe to the oath
required by section five, article four of the Constitution of
West Virginia. Vacancies in the membership appointed by the
governor shall be filled by appointment by him for the
unexpired term of the member whose office shall be vacant
and such appointment shall be made by the governor within
sixty days of the occurrence of such vacancy. Any member
appointed by the governor may be removed by the governor
in case of incompetency, neglect of duty, gross immorality or
malfeasance in office.

(c) The commission shall meet at such times and places as
shall be designated by the chairman. The chairman may call
a meeting of the commission at any time, and he shall call
a meeting of the commission upon the written request of two
members or upon the written request of the oil and gas
conservation commissioner. Notification of each meeting shall
be given in writing to each member by the chairman at least
five days in advance of the meeting. Any three members, one
of which may be the chairman, shall constitute a quorum for
the transaction of any business as herein provided for. A
majority of the commission shall be required to determine any
issue brought before it.

(d) Each member of the commission appointed by the
governor shall receive thirty-five dollars per diem not to exceed
one hundred days per calendar year while actually engaged in
the performance of his duties as a member of the commission.
Each member of the commission shall also be reimbursed for
all reasonable and necessary expenses actually incurred in the
performance of his duties as a member of the commission.

(e) The commission shall appoint the oil and gas conservation commissioner, fix his salary within available funds, and advise him regarding his duties and authority under this article and consult with him prior to his reaching any final decisions and entering orders hereunder. However, the commissioner has full and final authority under this article with the commission serving in an advisory capacity to him. The commissioner shall possess a degree from an accredited college or university in petroleum engineering or geology and must be a registered professional engineer with particular knowledge and experience in the oil and gas industry.

(f) The oil and gas commissioner is hereby empowered and it shall be his duty to execute and carry out, administer and enforce the provisions of this article in the manner provided herein. Subject to the provisions of section three of this article, the commissioner shall have jurisdiction and authority over all persons and property necessary therefor. The commissioner is authorized to make such investigation of records and facilities as he deems proper. In the event of a conflict between the duty to prevent waste and the duty to protect correlative rights, the commissioner's duty to prevent waste shall be paramount. He shall serve as secretary of the oil and gas conservation commission.

(g) Without limiting his general authority, the commissioner shall have specific authority to:

(1) Regulate the spacing of deep wells;

(2) Make and enforce reasonable rules and regulations and orders reasonably necessary to prevent waste, protect correlative rights, govern the practice and procedure before the commissioner and otherwise administer the provisions of this article;

(3) Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of any books, records, maps, charts, diagrams and other pertinent documents, and administer oaths and affirmations to such witnesses, whenever, in the judgement of the commissioner, it is necessary to do so for the effective discharge of his duties under the provisions of this article; and
(4) Serve as technical advisor regarding oil and gas to the legislature, its members and committees, to the deputy director for oil and gas, to the department of natural resources and to any other agency of state government having responsibility related to the oil and gas industry.

(h) After having conducted a performance audit through its joint committee on government operations, pursuant to section nine, article ten, chapter four of this code, the Legislature hereby finds and declares that the oil and gas conservation commission should be continued and reestablished. Accordingly, notwithstanding the provisions of section four, article ten, chapter four of this code, the oil and gas conservation commission shall continue to exist until the first day of July, one thousand nine hundred ninety-one.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 26th day of March, 1985.

Governor
THE GOVERNOR

Date 3/23/85
Time 5:15 p.m.