WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

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ENROLLED

HOUSE BILL No. 2243

(By Mr. Del. Flanigan)

Passed Feb. 12, 1991

In Effect 90 Days From Passage
AN ACT to amend and reenact section four, article eight, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuation of the West Virginia oil and gas conservation commission.

Be it enacted by the Legislature of West Virginia:

That section four, article eight, 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 8. OIL AND GAS CONSERVATION.

§22-8-4. 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 continued as provided for in subsection (h) of this section, the "West Virginia Oil and Gas Conservation Commission" which shall be composed of five members. The commissioner of the department of energy and the director for the division of 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 energy regulatory 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 5, article IV 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
(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 judgment 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 director for the division of oil and gas, to the department of energy and to any other agency of state government having responsibility related to the oil and gas industry.

Pursuant to 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-three, to allow for the completion of an audit by the joint committee on government operations.
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 ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 28th day of December, 1991.

Governor