

HB # 4091

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

Com. Sub. for
HOUSE BILL No. 4091

(By Delegates *Martin, Michael, Borden & Evans*)



Passed *Feb. 16,* 1994

In Effect *July 1, 1994* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4091
(By DELEGATES MARTIN, MICHAEL, BORDER AND EVANS)

[Passed February 16, 1994; in effect July 1, 1994.]

AN ACT to amend and reenact section three, article thirteen, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuation of the oil and gas inspectors' examining board; changing expense reimbursement for board members.

Be it enacted by the Legislature of West Virginia:

That section three, article thirteen, 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 13. OIL AND GAS INSPECTORS' EXAMINING BOARD.

§22-13-3. Oil and gas inspectors' examining board created; composition; appointment, term and compensation of members; meetings; powers and duties generally; continuation following audit.

1 (a) There is hereby continued an oil and gas inspec-
2 tors' examining board consisting of five members who,
3 except for the public representative on such board, shall
4 be appointed by the governor, by and with the advice
5 and consent of the Senate. Members may be removed
6 only for the same causes and like manner as elective

7 state officers. One member of the board, who shall be
8 the representative of the public, shall be a professor in
9 the petroleum engineering department of the school of
10 mines at West Virginia University appointed by the
11 dean of said school; two members shall be persons who
12 by reason of previous training and experience may
13 reasonably be said to represent the viewpoint of
14 independent oil and gas operators; and two members
15 shall be persons who by reason of previous training and
16 experience may reasonably be said to represent the
17 viewpoint of major oil and gas producers.

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

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

29 The board shall pay each member the same compen-
30 sation and expense reimbursement as is paid to
31 members of the Legislature for their interim duties as
32 recommended by the citizens legislative compensation
33 commission and authorized by law for each day or
34 portion thereof engaged in the discharge of official
35 duties.

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

38 Members of the board, before performing any duty,
39 shall take and subscribe to the oath required by section
40 five, article 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
43 the chairman to call a meeting of the board on the
44 written request of two members, or on the written
45 request of said director or the director of the division

46 of environmental protection. Notice of each meeting
47 shall be given in writing to each member by the
48 secretary at least five days in advance of the meeting.
49 Three voting members shall constitute a quorum for the
50 transaction of business.

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

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

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

68 (3) Conduct, after public notice of the time and place
69 thereof, examinations of candidates for appointment. By
70 unanimous agreement of all members of the board, one
71 or more members of the board or an employee of the
72 division of environmental protection may be designated
73 to give to a candidate the written portion of the
74 examination;

75 (4) Prepare and certify to said director and the
76 director of the division of environmental protection a
77 register of qualified eligible candidates for appointment
78 as oil and gas inspectors or as supervising inspectors,
79 with such differentiation, if any, between the certifica-
80 tion of candidates for oil and gas inspectors and for
81 supervising inspectors as the board may from time to
82 time deem necessary or advisable. The register shall list
83 all qualified eligible candidates in the order of their
84 grades, the candidate with the highest grade appearing
85 at the top of the list. After each meeting of the board

86 held to examine such candidates and at least annually,
87 the board shall prepare and submit to said director and
88 the director of the division of environmental protection
89 a revised and corrected register of qualified eligible
90 candidates for appointment, deleting from such revised
91 register all persons: (a) Who are no longer residents of
92 West Virginia; (b) who have allowed a calendar year to
93 expire without, in writing, indicating their continued
94 availability for such appointment; (c) who have been
95 passed over for appointment for three years; (d) who
96 have become ineligible for appointment since the board
97 originally certified that such persons were qualified and
98 eligible for appointment; or (e) who, in the judgment of
99 at least three members of the board, should be removed
100 from the register for good cause;

101 (5) Cause the secretary of the board to keep and
102 preserve the written examination papers, manuscripts,
103 grading sheets and other papers of all applicants for
104 appointment for such period of time as may be estab-
105 lished by the board. Specimens of the examinations
106 given, together with the correct solution of each
107 question, shall be preserved permanently by the
108 secretary of the board;

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

111 (7) Hear and determine proceedings for the removal
112 of inspectors or the supervising inspector in accordance
113 with the provisions of this article;

114 (8) Hear and determine appeals of inspectors or the
115 supervising inspector from suspension orders made by
116 said director pursuant to the provisions of section two,
117 article one, chapter twenty-two-b of this code: *Provided,*
118 That in order to appeal from any order of suspension,
119 an aggrieved inspector or supervising inspector shall
120 file such appeal in writing with the oil and gas
121 inspectors' examining board not later than ten days
122 after receipt of the notice of suspension. On such appeal
123 the board shall affirm the action of said director unless
124 it be satisfied from a clear preponderance of the
125 evidence that said director has acted arbitrarily;

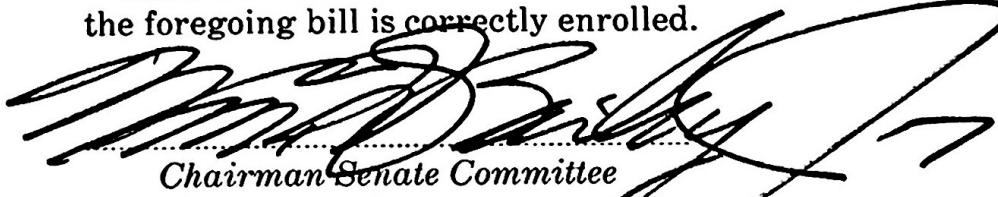
126 (9) Make an annual report to the governor concerning
127 the administration of oil and gas inspection personnel in
128 the state service; making such recommendations as the
129 board considers to be in the public interest; and

130 (10) Render such advice and assistance to the director
131 of the office of oil and gas as he shall from time to time
132 determine necessary or desirable in the performance of
133 his duties.

134 (c) After having conducted a preliminary performance
135 review through its joint committee on government
136 operations, pursuant to article ten, chapter four of this
137 code, the Legislature hereby finds and declares that the
138 oil and gas inspectors' examining board within the
139 division of environmental protection should be continued
140 and reestablished. Accordingly, notwithstanding the
141 provisions of said article, the oil and gas inspectors'
142 examining board within the division of environmental
143 protection shall continue to exist until the first day of
144 July, two thousand.

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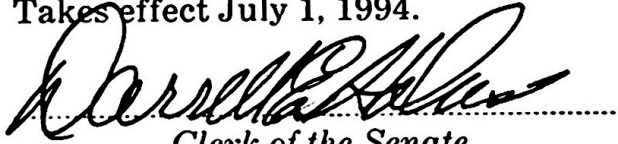
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



.....
Chairman Senate Committee



.....
Ernest C. Moore
Chairman House Committee


Originating in the House.

Takes effect July 1, 1994.

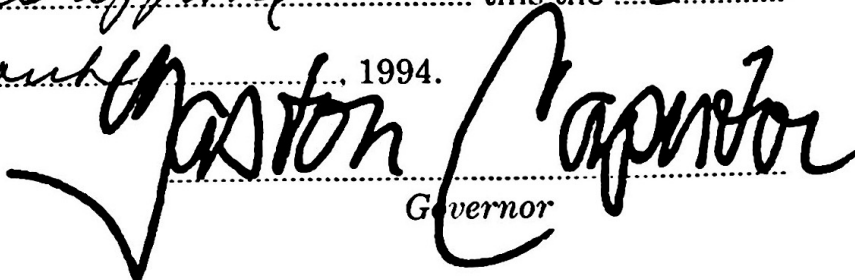

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

The within *is attested* this the *3rd*
day of *March* 1994.


.....
Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 2/24/94

Time 3:33 pm