

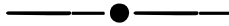
RECEIVED

MAR 13 11:11:28

CLERK OF COURTS
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4770

(By Delegates Douglas, Butcher, Caputo,
Prunty, Angotti, Stalnaker and Willison)



Passed March 11, 2000

In Effect Ninety Days from Passage

RECEIVED

MAR - 1 10 11: 26

LEGISLATIVE COUNCIL

ENROLLED

H. B. 4770

(BY DELEGATES DOUGLAS, BUTCHER, CAPUTO,
PRUNTY, ANGOTTI, STALNAKER AND WILLISON)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article seven, chapter twenty-two-c 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 four, all relating to continuing the oil and gas inspectors' examining board.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. OIL AND GAS INSPECTORS' EXAMINING BOARD.

§22C-7-3. Oil and gas inspectors' examining board created; composition; appointment, term and compensation of members; meetings; powers and duties generally.

1 (a) There is hereby continued an oil and gas inspectors'
2 examining board consisting of five members, two of whom
3 shall be ex officio members and three of whom shall be
4 appointed by the governor, by and with the advice and consent
5 of the Senate. Appointed members may be removed only for the
6 same causes and like manner as elective state officers. One
7 member of the board shall be the representative of the public at
8 large and shall be a person who is knowledgeable about the
9 subject matter of this article and has no direct or indirect
10 financial interest in oil and gas production other than the receipt
11 of royalty payments which do not exceed a five-year average of
12 six hundred dollars per year; one member shall be a person who
13 by reason of previous training and experience may reasonably
14 be said to represent the viewpoint of independent oil and gas
15 operators; and one member shall be a person who by reason of
16 previous training and experience may reasonably be said to
17 represent the viewpoint of major oil and gas producers.

18 The chief of the office of oil and gas of the division of
19 environmental protection and the chief of the office of water
20 resources of the division of environmental protection shall be
21 ex officio members.

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

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

33 The chief of the office of oil and gas shall serve as chair of
34 the board. The board shall elect a secretary from its members.

35 Members of the board, before performing any duty, shall
36 take and subscribe to the oath required by section 5, article IV
37 of the constitution of West Virginia.

38 The board shall meet at such times and places as shall be
39 designated by the chair. It is the duty of the chair to call a
40 meeting of the board on the written request of two members.
41 Notice of each meeting shall be given in writing to each
42 member by the secretary at least five days in advance of the
43 meeting. A majority of members is a quorum for the transaction
44 of business.

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

47 (1) Establish, and from time to time revise, forms of
48 application for employment as an oil and gas inspector and
49 supervising inspector, which shall include the applicant's social
50 security number, and forms for written examinations to test the
51 qualifications of candidates, with such distinctions, if any, in
52 the forms for oil and gas inspector and supervising inspector as
53 the board may from time to time deem necessary or advisable;

54 (2) Adopt and promulgate reasonable rules relating to the
55 examination, qualification and certification of candidates for
56 appointment, and relating to hearings for removal of inspectors
57 or the supervising inspector, required to be held by this article.
58 All of such rules shall be printed and a copy thereof furnished
59 by the secretary of the board to any person upon request;

60 (3) Conduct, after public notice of the time and place
61 thereof, examinations of candidates for appointment. By
62 unanimous agreement of all members of the board, one or more
63 members of the board or an employee of the division of

64 environmental protection may be designated to give to a
65 candidate the written portion of the examination;

66 (4) Prepare and certify to the director of the division of
67 environmental protection a register of qualified eligible
68 candidates for appointment as oil and gas inspectors or as
69 supervising inspectors, with such differentiation, if any,
70 between the certification of candidates for oil and gas inspec-
71 tors and for supervising inspectors as the board may from time
72 to time deem necessary or advisable. The register shall list all
73 qualified eligible candidates in the order of their grades, the
74 candidate with the highest grade appearing at the top of the list.
75 After each meeting of the board held to examine such candi-
76 dates and at least annually, the board shall prepare and submit
77 to the director of the division of environmental protection a
78 revised and corrected register of qualified eligible candidates
79 for appointment, deleting from such revised register all persons:
80 (a) Who are no longer residents of West Virginia; (b) who have
81 allowed a calendar year to expire without, in writing, indicating
82 their continued availability for such appointment; (c) who have
83 been passed over for appointment for three years; (d) who have
84 become ineligible for appointment since the board originally
85 certified that such persons were qualified and eligible for
86 appointment; or (e) who, in the judgment of at least three
87 members of the board, should be removed from the register for
88 good cause;

89 (5) Cause the secretary of the board to keep and preserve
90 the written examination papers, manuscripts, grading sheets and
91 other papers of all applicants for appointment for such period
92 of time as may be established by the board. Specimens of the
93 examinations given, together with the correct solution of each
94 question, shall be preserved permanently by the secretary of the
95 board;

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

98 (7) Hear and determine proceedings for the removal of
99 inspectors or the supervising inspector in accordance with the
100 provisions of this article;

101 (8) Hear and determine appeals of inspectors or the
102 supervising inspector from suspension orders made by said
103 director pursuant to the provisions of section two, article six,
104 chapter twenty-two of this code: *Provided*, That in order to
105 appeal from any order of suspension, an aggrieved inspector or
106 supervising inspector shall file such appeal in writing with the
107 oil and gas inspectors' examining board not later than ten days
108 after receipt of the notice of suspension. On such appeal the
109 board shall affirm the action of said director unless it be
110 satisfied from a clear preponderance of the evidence that said
111 director has acted arbitrarily;

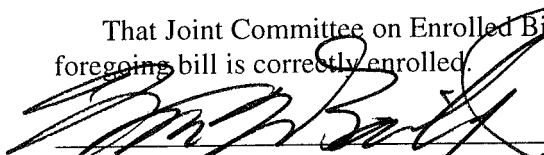
112 (9) Make an annual report to the governor concerning the
113 administration of oil and gas inspection personnel in the state
114 service; making such recommendations as the board considers
115 to be in the public interest; and

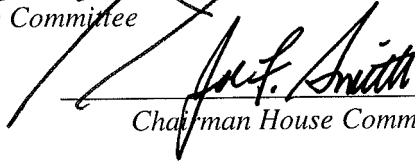
116 (10) Render such advice and assistance to the director of
117 the division of environmental protection as the director shall
118 from time to time determine necessary or desirable in the
119 performance of such duties.

§22C-7-4. Termination date.

1 The oil and gas inspectors' examining board shall terminate
2 on the first day of July, two thousand one, pursuant to the
3 provisions of article ten, chapter four of this code, unless sooner
4 terminated, continued or reestablished pursuant to the provi-
5 sions of that article.

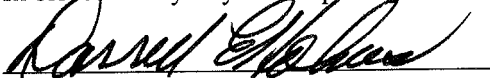
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

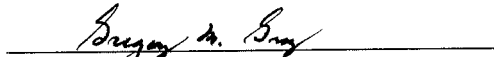

Chairman Senate Committee

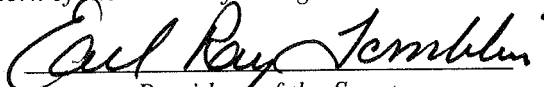

Chairman House Committee

Originating in the House.

In 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 approved this the 4th
day of April, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 5/29/00

Time 3:30pm