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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993



ENROLLED

SENATE BILL NO. 110

(By Senator Brackmich, et al)



PASSED April 9, 1993

In Effect July 1, 1993 Passage

E N R O L L E D

Senate Bill No. 110

(By SENATORS BRACKENRICH AND WIEDEBUSCH)

[Passed April 9, 1993; to take effect July 1, 1993.]

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; and compensation of 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,
4 shall be appointed by the governor, by and with the
5 advice and consent of the Senate. Members may be
6 removed only for the same causes and like manner as

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

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

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

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

38 The public member shall serve as chairman of the
39 board.

40 Members of the board, before performing any duty,
41 shall take and subscribe to the oath required by
42 section five, article four of the constitution of West
43 Virginia.

44 The board shall meet at such times and places as
45 shall be designated by the chairman. It shall be the

46 duty of the chairman to call a meeting of the board on
47 the written request of two members, or on the written
48 request of said director or the director of the division
49 of environmental protection. Notice of each meeting
50 shall be given in writing to each member by the
51 secretary at least five days in advance of the meeting.
52 Three voting members shall constitute a quorum for
53 the transaction of business.

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

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

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

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

78 (4) Prepare and certify to said director and the
79 director of the division of environmental protection a
80 register of qualified eligible candidates for appoint-
81 ment as oil and gas inspectors or as supervising
82 inspectors, with such differentiation, if any, between
83 the certification of candidates for oil and gas inspectors
84 and for supervising inspectors as the board may from
85 time to time deem necessary or advisable. The register

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

105 (5) Cause the secretary of the board to keep and
106 preserve the written examination papers, manuscripts,
107 grading sheets and other papers of all applicants for
108 appointment for such period of time as may be
109 established by the board. Specimens of the examina-
110 tions given, together with the correct solution of each
111 question, shall be preserved permanently by the
112 secretary of the board;

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

115 (7) Hear and determine proceedings for the removal
116 of inspectors or the supervising inspector in accor-
117 dance with the provisions of this article;

118 (8) Hear and determine appeals of inspectors or the
119 supervising inspector from suspension orders made by
120 said director pursuant to the provisions of section two,
121 article one, chapter twenty-two-b of this code: *Pro-*
122 *vided*, That in order to appeal from any order of
123 suspension, an aggrieved inspector or supervising
124 inspector shall file such appeal in writing with the oil
125 and gas inspectors' examining board not later than ten

126 days after receipt of the notice of suspension. On such
127 appeal the board shall affirm the action of said
128 director unless it be satisfied from a clear preponder-
129 ance of the evidence that said director has acted
130 arbitrarily;

131 (9) Make an annual report to the governor concern-
132 ing the administration of oil and gas inspection
133 personnel in the state service; making such recom-
134 mendations as the board considers to be in the public
135 interest; and

136 (10) Render such advice and assistance to the direc-
137 tor of the office of oil and gas as he shall from time to
138 time determine necessary or desirable in the perfor-
139 mance of his duties.

140 (c) After having conducted a preliminary perfor-
141 mance audit through its joint committee on govern-
142 ment operations, pursuant to section nine, article ten,
143 chapter four of this code, the Legislature hereby finds
144 and declares that the oil and gas inspectors' examining
145 board within the division of environmental protection
146 should be continued and reestablished. Accordingly,
147 notwithstanding the provisions of section four of said
148 article, the oil and gas inspectors' examining board
149 within the division of environmental protection shall
150 continue to exist until the first day of July, one
151 thousand nine hundred ninety-four.

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

[Handwritten Signature]
.....
Chairman Senate Committee

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

Originated in the Senate.

To take effect July 1, 1993.

[Handwritten Signature]
Clerk of the Senate

[Handwritten Signature]
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker House of Delegates

The within *is* approved.....this the *21st*
day of ... *April*, 1993.

[Handwritten Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/93

Time 9:24 am