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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2902

(By Delegates Craig, Morgan and Campbell)



Passed March 7, 2003

In Effect Ninety Days from Passage

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2003 MAR 20 P 5: 25

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FOR

H. B. 2902

(BY DELEGATES CRAIG, MORGAN AND CAMPBELL)

[Passed March 7, 2003; in effect ninety days from passage.]

AN ACT to amend article ten, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five-v, relating to confidentiality and disclosure of information set forth in oil and gas combined reporting form specified in subsection (d), section three-a, article thirteen-a, of said chapter eleven; setting forth exceptions to confidentiality; providing that confidentiality of such information does not prohibit publication or release of summary statistical information derived from oil and gas combined reporting forms; authorizing disclosure of oil and gas combined reporting form information to county assessors, department of environmental protection and public service commission; relating to the confidentiality and nondisclosure of other information reported under article thirteen-a of said chapter eleven; and, establishing criminal penalties for the unlawful

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disclosure of confidential information obtained from the oil and gas combined reporting form.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five-v, to read as follows:

ARTICLE 10. PROCEDURE AND ADMINISTRATION.

§11-10-5v. Confidentiality and disclosure of information set forth in the oil and gas combined reporting form specified in subsection (d), section three-a, article thirteen-a of this chapter to county assessors, the department of environmental protection and to the public service commission; offenses; penalties.

1 (a) *Confidentiality of certain information reported on the*
2 *oil and gas combined reporting form, exception.* -- The
3 following information provided by or on behalf of any person
4 or entity on the oil and gas combined reporting form specified
5 in subsection (d), section three-a, article thirteen-a of this
6 chapter is confidential:

7 (1) The natural resources account number (NRA);

8 (2) Total gross revenue for oil or gas or both;

9 (3) Working interest revenue for oil or gas or both;

10 (4) The name and address of the owner of a working
11 interest or override royalty interest in the well;

12 (5) The ownership interest held by the owner of a working
13 interest or override royalty interest in the well, expressed as a
14 percentage or decimal equivalent, of total ownership of each
15 listed owner; and

16 (6) The income of any owner.

17 Such information is exempt from disclosure under section
18 four, article one, chapter twenty-nine-b of this code, and shall
19 be kept, held and maintained as confidential except to the extent
20 the information is disclosable under subsections (b) and (c) of
21 this section.

22 (b) *Disclosure to county assessors, department of environ-*
23 *mental protection and public service commission authorized.*
24 —Notwithstanding the provisions of section five-d, article ten
25 of this chapter to the contrary, and notwithstanding any other
26 provision of this code to the contrary, the tax commissioner
27 may disclose the oil and gas combined reporting form specified
28 in subsection (d), section three-a, article thirteen-a of this
29 chapter, and information set forth thereon to county assessors,
30 the department of environmental protection and the public
31 service commission for the purpose of administering and
32 implementing the assessment, administrative, oversight and
33 regulatory functions and responsibilities with which they are
34 charged by law.

35 (c) *Release and publication of information.* —

36 (1) *Statistical and aggregate information.* — This section
37 shall not be construed to prohibit the publication or release of
38 summary statistical information derived from the oil and gas
39 combined reporting form, including summary statistical
40 information derived from the items specified in subsection (a)
41 of this section. Publication or release of such summary statisti-
42 cal information is authorized in the form of aggregated statis-
43 tics, maps, articles, reports or professional talks, or in other
44 forms, provided it is presented in accordance with generally
45 accepted practices and in a manner so as to preclude the
46 identification of particular oil and gas combined report filers
47 and to preclude derivation or determination of information

48 specified in subsection (a) of this section about particular oil
49 and gas combined report filers.

50 (2) *Release and publication of certain information.* —
51 Notwithstanding the provisions of this section to the contrary
52 and notwithstanding any other provision of this code to the
53 contrary, the tax commissioner, county assessors, the depart-
54 ment of environmental protection, and the public service
55 commission may publish or publicly release information
56 provided by or on behalf of any person or entity in the oil and
57 gas combined reporting form except for the information
58 specified as confidential in subsection (a) of this section.

59 (d) *Penalty of unlawful disclosure.* — Any state, county or
60 governmental subdivision employee or representative (includ-
61 ing, but not limited to, any county assessor or any employee or
62 representative of the West Virginia department of environmen-
63 tal protection or the West Virginia public service commission),
64 who violates this section by making an unlawful or unautho-
65 rized disclosure of confidential information that is reported on
66 the oil and gas combined reporting form is guilty of a misde-
67 meanor and, upon conviction thereof, shall be fined not more
68 than one thousand dollars or confined in the county or regional
69 jail for not more than one year, or both fined and confined, and
70 shall be assessed the cost of prosecution. As used in this
71 section, the term “state, county or governmental subdivision
72 employee or representative” includes, but is not limited to, any
73 current or former state, county or municipal employee, officer,
74 or commission or board member, and any state, county or
75 municipal agency, institution, organization, contractor or
76 subcontractor and any principal, officer, agent or employee
77 thereof.

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

Larry Thurman
Chairman Senate Committee

Sharon Spencer
Chairman House Committee

Originating in the House.

In effect ninety days from passage

Daniel G. Adams
Clerk of the Senate

Bruce W. Boy
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 20th
day of March, 2003.

Bob Wise
Governor

PRESENTED TO THE
GOVERNOR

Date 3/4/03

Time 9:35am