

Interstate Oil and Gas Compact Commission

Charter | Bylaws



About the IOGCC

In 1935, six states took advantage of a constitutional right to “compact,” or agree to work together, to resolve common issues. Faced with unregulated petroleum overproduction and the resulting waste, the states endorsed and Congress ratified a compact to take control of the issues. The result was a unique multi-state government agency now known as the Interstate Oil and Gas Compact Commission.

Several governors played important roles in laying the groundwork for the Commission in the early 1930s. However, lackluster support of the concept by industry, which at the time favored federal intervention, forced early sup-

porters to abandon their work. A former U.S. Congressman and Oklahoma Governor, E.W. Marland provided the vision and energy to revitalize the notion of state regulation of oil and gas resources, and is considered a founding father of the Commission.

Since that time, the Commission’s member states have established effective regulation of the oil and natural gas industry through a variety of programs designed to gather and share information, technologies and regulatory methods. The rich history of the Commission continues to contribute to the success of our nation’s energy future.

Mission

The Interstate Oil and Gas Compact Commission is a multi-state government agency that champions the conservation and efficient recovery of domestic oil and natural gas resources while protecting health, safety and the environment.

Vision

The Interstate Oil and Gas Compact Commission will be viewed as the authority on domestic oil and gas issues. The programming and services of the Commission will be developed around emerging issues, so that the IOGCC is a leader and a driver of national oil and gas policy.

IOGCC Charter

WHEREAS, on the 16th day of February 1935, in the City of Dallas, Texas, there was executed “An Interstate Compact to Conserve Oil and Gas,” which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, Kansas and 24 additional States; which said compact was duly amended at Tulsa, Oklahoma on September 25, 1970, a true copy of which as so amended follows:

AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

Article I

This agreement may become effective within any compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

Article II

The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

Article III

Each State bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

- (a) The operation of any oil well with an inefficient gas-oil ratio.
- (b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.
- (c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.
- (d) The creation of unnecessary fire hazards.
- (e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.
- (f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

Article IV

Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

Article V

It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

Article VI

Each State joining herein shall appoint one representative to a commission hereby constituted and designated as “The Interstate Oil Compact Commission,” the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

The Commission shall have the power to recommend the coordination of the exercise of the police powers of the several States within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

No action shall be taken by the Commission except: (1) by the

affirmative votes of the majority of the whole number of the compacting States represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such votes of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

Article VII

No State joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

Article VIII

This compact shall continue in effect until Congress withdraws its consent. But any State joining herein may, upon sixty (60) days notice, withdraw herefrom.

The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

IOGCC Bylaws

Article I

The Commission

Section 1. The Commission shall be designated the Interstate Oil and Gas Compact Commission and referred to herein as “the Commission.” The Interstate Compact to Conserve Oil and Gas will be referred to herein as “the Compact.” The States which have ratified and executed the Compact will be referred to as “the Member States.”

Section 2. The Commission shall be composed of one representative from each Member State; to be selected as the state determines. The governor of such state shall designate the official representatives from each Member State in writing to the executive director of the Commission. Each designation shall remain in effect until a new written designation. Upon written designation of an official representative by the Governor of said state, the previous representative is replaced immediately. Each Member State may designate one or more alternates to act as its official representative in the absence of its principal representative. Alternates may be referenced to as “associate or substitute” representatives if it suits the need of the respective state.

Section 3. The Commission shall be a fact-finding and deliberative body to promote conservation and efficient recovery of domestic oil and natural gas resources while protecting human health, safety and the environment, and shall exercise the powers and perform the duties provided in the Compact. It shall report

its findings and make recommendations to the states, the federal government, and the general public.

Section 4. The Commission shall have an official seal. The executive director shall be the custodian of the seal. The executive director, under the Commission’s seal shall attest the Commission’s official actions, in accordance with these bylaws and the Compact.

Article II

Meetings

Section 1. Two regular meetings of the Commission, referred to as the Midyear and Annual Meetings, shall be held each year at times and places determined by the Commission. The Commission also may hold other meetings, between the Midyear and Annual Meetings, at times and places determined by the chairman. Special meetings may be called by the chairman or by a majority of the Member States.

Section 2. Notice in writing of the times and places of regular and other meetings shall be given by the executive director to each Member State not less than thirty (30) days before the meeting. Notices of special meetings shall be given by the executive director with at least ten- (10) days notice unless two-thirds of the Member States consent in writing to shorter notice. Notices of each Midyear and Annual Meeting also shall be sent to members of the Commission’s committees.

Section 3. Notice requirements of this Article to any state may be waived in writing by that Member State.

Article III

Rules and Procedures

Section 1. A majority of the Member States of the Commission shall constitute a quorum at any Midyear or Annual Meeting. Ten (10) states shall constitute a quorum at any other meeting. If a quorum is not present, any number of states present at a duly called meeting may adjourn the meeting until a quorum is present.

Section 2. Each Member State shall have one vote on matters before the Commission, to be cast by the official representative or designated alternate present at the time the call of the vote occurs. At all times, in the absence of the official representative, the alternate official representative may cast the vote and have standing for purpose in deliberations for the state.

Section 3. No action shall be taken by the Commission except (1) by the affirmative vote of the majority of Member States represented at any meeting, and (2) by a concurring vote of a majority in interest of the Member States at said meeting, such interest to be determined as follows: The vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half year to the daily average production of the Member States during said period. Daily

average production means oil and natural gas (in oil equivalents) produced and sold.

Section 4. Except as otherwise provided by these bylaws or by the Compact, all meetings of the Commission shall be conducted in accordance with general parliamentary rules. However, only the governor, official representatives and alternate representatives of their respective states, pursuant to Article I, Section 2 of these bylaws, shall be considered to be the members of the deliberative body for parliamentary procedure purposes. Persons, who are not official representatives may make presentations to the committee if they are on the agenda or receive recognition by a vote of the committee. For purposes of voting, Robert's Rules of Order shall generally apply.

Article IV

Officers

Section 1. The officers of the Commission are a chairman, a vice-chairman, a second vice-chairman and an executive director. The chairman must be a Member State governor and the vice chairman and second vice chairmen must be official representatives designated pursuant to Article I, Section 2 of these by-laws. A Chairman-elect for a following year may be designated. All officers shall be elected at each Midyear Meeting to take office during the next Annual Meeting and shall serve until their successors have been elected and assume office. The Nominating Committee shall determine the list of candidates for the elective

office and submit all names for the offices to the Commission at the earliest possible time.

Section 2. In the event a vacancy exists in the chairmanship after the election of a chairman-elect at the Midyear Meeting, and before the succeeding Annual Meeting, the chairman-elect shall assume the office of chairman for the remainder of the predecessor's term. Should a vacancy occur after the Annual Meeting, the chairman-elect for the following year shall become chairman. If the offices of vice-chairman, second vice-chairman, vice-chairman-elect or second vice-chairman-elect become vacant, the Commission shall elect a successor at the next regular or other meeting. The Nominating Committee shall submit nominees to the respective governors, official state representatives and alternates at the earliest possible time.

Section 3. An officer shall preside at all meetings, and otherwise perform the duties customarily performed by the chairman of a deliberative body.

Section 4. The executive director shall employ and direct the activities of the staff of the Commission. The executive director also shall (1) make and preserve a record of Commission proceedings; (2) make recommendations to the Commission concerning its programs, policies and activities; and (3) carry out the policies, orders and directives of the Commission. There shall be an annual performance review by the IOGCC Steering Committee of the Executive Director. The Steering Committee

shall determine compensation of the executive director based on the results of the annual performance review.

Article V

Committees

Section 1. The Commission shall have the following operational committees: Steering, Finance, Nominating and Resolutions. The chairman and other members of each of these operational committees shall be appointed by the chairman of the Commission with membership restricted to official representatives.

Any designated official representative of a Member State may participate in the deliberations of any of these committees, but only members appointed have the right to propose or second motions and to vote. The Nominating Committee will recommend to the chairman the members of all operational committees. All Operational Committee appointments will be for 3-year terms. Terms will be staggered so that approximately the same number of appointments is due each year.

Section 2. The Steering Committee shall meet at Midyear and Annual Meeting and other meetings of the Commission, and shall consist of the officers of the Commission, the chairman of the Finance Committee, and six additional members who will serve staggered three-year terms. It shall have authority to take administrative actions and to make recommendations to the Commission.

Section 3. The Finance Committee shall meet at each Midyear and Annual Meeting prior to the business session. It shall make recommendations with respect to financial matters. It shall also recommend a budget of proposed income and expenditures on an annual or other basis as it may deem appropriate.

Section 4. The Nominating Committee shall meet at each Midyear Meeting prior to the business session. It shall present nominees for each of the officers provided for in Article IV, Section 1 of these bylaws. The committee will consist of the vice-chairman, second vice-chairman and the official representative of the chairman-elect and official representatives from three other member states.

Section 5. The Resolutions Committee shall meet at each Midyear and Annual Meeting. It shall recommend appropriate resolutions, action plans for those resolutions and statements of policy. The sponsors of a resolution, which has been tabled in committee or defeated in committee, may have the resolution introduced in the business session upon two-thirds special majority vote of the Commissioners present. However, for passage, the resolution must pass the bifurcated voting mechanism as delineated in Article III, Section 3.

Any proposed resolution or statement expressing the position or policy of the Commission, which is to be presented at a Midyear or Annual Meeting, must be submitted to the headquarters office at least thirty (30) days prior to the meeting. At that time

the executive director shall mail and electronically mail copies to governors and official representatives. However, this rule may be waived by two-thirds of the members of the Resolutions Committee present and voting, and then by two-thirds of the Member States of the Commission present and voting. A resolution may be offered only by a governor or official representative, or with the written endorsement of a governor or official representative. At Midyear and Annual Meetings, all resolutions will come through the Resolutions Committee except administrative resolutions from the Finance and Steering Committees, or any resolution passed unanimously by the Steering Committee. At other meetings, resolutions may be considered after majority vote of those attending.

Section 6. The Commission may establish standing committees to consider various technical and legal subjects within the scope of the Compact. The chairman of the Commission shall appoint the chairmen of these standing committees. Chairmen shall serve two-year terms, and shall not be eligible for immediate re-appointment after concluding a full term. Each committee may elect a vice-chairman from among its members. The governor of a Member State or the official representative, as appropriate, of the Compact may appoint people to these standing committees, but a Member State shall have only one vote in the standing committee. These committees shall meet at each Midyear and Annual Meeting. The members present at each meeting shall constitute a quorum. Such meetings may include presentation of scholarly and professional papers and addresses by appropriate speakers, and

each standing committee may transact other business as authorized by the Commission. No action by a standing committee on a report, finding or resolution shall, however, constitute the action of the Commission, unless such action is expressly approved by the Commission after consideration pursuant to Article III of these bylaws. The original term of a standing committee will be established at its inception, and the committee will expire automatically unless extended by vote of the Compact at a business meeting.

Section 7. There shall be a Council of State Regulatory Officials composed of one Representative from the oil and gas conservation agency of each Member State. The Council shall meet during each Midyear and Annual Meeting to discuss regulatory issues of mutual interest to its members. It may select its own chairman. The Council may make recommendations for action to the Commission, and the Commission may delegate matters to the Council for its consideration and action.

Section 8. The Commission also may establish special committees as it may deem necessary or appropriate, and the chairman may appoint special committees to serve during his or her term of office.

Article VI

Headquarters Office

Section 1. A headquarters office shall be established in Oklahoma City, Oklahoma, in the building owned by the Commission, where

the administrative work of the Commission shall be carried on, and the official files and records of the Commission kept.

Section 2. Reports of all committees, together with legal, statistical, engineering, geological and other information that may be helpful in oil and gas conservation, shall be kept in the headquarters office. The extent of such information shall be determined by the Commission.

Article VII

Finances

Section 1. The expenses of the Commission shall be paid from voluntary contributions by the Member States and from other sources of revenue approved by the Commission.

Section 2. The executive director shall prepare and submit to the Finance Committee a budget of proposed income and expenditures on an annual or other basis as appropriate. Once approved by the Commission, a budget shall constitute authority for the executive director to make the expenditures. Between meetings of the Finance Committee, spending from new funding sources may be approved by the Finance Committee Supplemental Budget Subcommittee and the vice-chairman upon consideration of detailed information submitted to the committee by the executive director.

Article VIII

Federal Representation

Section 1. The President of the United States, Congress, and any federal agency charged with responsibility concerning oil and gas are invited to designate one or more representatives to attend and participate in meetings of the Commission. Such representatives may attend all open and executive sessions, participate in the deliberations and studies of the Commission, and make recommendations concerning the policies, programs and work of the Commission, but shall not have the right to vote.

Article IX

International Affiliate Representation

Section 1. Affiliate participation in the Commission is established. Any governmental division or subdivision not otherwise eligible for regular or associate membership may apply for affiliate status by submitting a letter of request to the Commission signed by its ranking energy official. Affiliates may be admitted by approval of the compacting states at a Midyear or Annual Meeting or other meeting of the Commission. An affiliate shall not have the right to vote or hold office, but may designate one or more representatives to attend and participate in meetings, deliberations, studies and other activities of the Commission. It may withdraw as an affiliate at any time by filing written notice, signed by its appropriate executive authority. Affiliate participation shall not constitute an agreement in violation of the United States Constitution and in no way shall be construed to create an

agreement between individual states and foreign powers.

Article X

Membership

Section 1. (Member) Any oil or gas producing state is entitled to become a regular member of the Commission by executing the Compact in the manner provided.

Section 2. (Associate Member) Any state desiring to be an associate member may make an application to the Commission in writing, signed by its governor. The application shall be presented at a meeting of the Commission with the affirmative vote of all Member States present. An associate member shall not have the right to vote or hold office, but shall be entitled to all other privileges and benefits of regular membership. An associate shall be permitted to participate in all meetings and other activities of the Commission. It may withdraw at any time by filing written notice from its governor.

Article XI

Bylaw Amendments

Section 1. These bylaws may be amended at any Midyear, Annual or other meeting upon affirmative vote of two-thirds of the Commission.

Interstate Oil and Gas Compact Commission

P.O. Box 53127, Oklahoma City, OK 73152

405-525-3556

www.iogcc.ok.gov