

# 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

supporters 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 is referred to herein as “the Commission.” The Interstate Compact to Conserve Oil and Gas will be referred to herein as “the Compact.” The States that 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 in a manner determined by the state and to be referred to by the Commission as the “Official Representative.” The governor of each state shall notify the Executive Director of the Commission, in writing, of the identity of the Official Representative for the state and any change in that designation. Upon written notification of the identity of a new Official Representative, the previous Official Representative is replaced immediately. Each Member State may designate one or more alternates to act as a member of the Commission in the absence of its Official Representative. Alternates shall be referred to as “Associate Official Representatives.”

**Section 3.** The Commission shall be a fact-finding and deliberative body to promote conservation and efficient recovery of 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 Annual Business Meeting and Annual Conference, shall be held each year at times and places determined by the Commission. The Commission also may hold special meetings, between the Annual Business Meeting and Annual Conference, at times and places determined by the Chair, Vice-Chair, or majority of the Member States.

Special meetings may be held by teleconference, videoconference or other electronic means that enable the participants to communicate with one another during the meeting.

**Section 2.** Notice in writing of the time and place of a regular meeting shall be given by the Executive Director to each Member State not less than 60 days before the meeting. Notice of a special meeting shall be given by the Executive Director no less than 10 days before the meeting unless two-thirds of the Member States consent in writing to shorter notice. Notice of a regular meeting also shall be sent to Associate Member States, designated federal representatives, international affiliates and members of the Commission's committees, although failure to give this notice will not invalidate the meeting.

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

## **Article III**

### ***Rules and Procedures***

**Section 1.** A majority of the Member States of the Commission shall constitute a quorum at any Annual Business Meeting or Annual

Conference. Ten states shall constitute a quorum at any special 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 Associate Official Representative present at the time the call of the vote occurs. At all times, in the absence of the Official Representative, the Associate Official Representative may cast the vote and have standing for purpose in deliberations for the state.

**Section 3.** No action may be taken by the Commission except by the affirmative vote of the majority of Member States represented at any meeting, and if requested by a member state represented at the meeting during the vote, by a concurring vote of a majority in interest of the Member States at said meeting. Such interest is 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 over a six-month period to the daily average production during said period of the Member States represented at the meeting. Daily average production

shall be determined by the most up-to-date Commission analysis of marketed production of oil and natural gas (in oil equivalents). A vote of abstention will be treated as if the voter were not present. Production from abstaining states will not be used in the calculations.

**Section 4.** Except as otherwise provided for by these bylaws or by the Compact, all meetings of the Commission shall be conducted in accordance with general parliamentary rules. However, only the Official Representatives or Associate Official 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. Others may be recognized for presentations or comments if included on the meeting agenda or if deemed appropriate by the Chair of the business session. For purposes of voting, Robert's Rules of Order shall generally apply.

## Article IV

### *Officers*

**Section 1.** The officers of the Commission are a Chair, a Vice-Chair, a Second Vice-Chair and an Executive Director. The Chair must be a Member State governor and the

Vice-Chair and Second Vice-Chair must be Official Representatives or Associate Official Representatives designated pursuant to Article I, Section 2 of these bylaws. A Chair-Elect for a following year may be designated. All officers shall be elected at each Annual Business Meeting to take office during the next Annual Conference 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 the names of candidates for office to the Commission as early as practicable.

**Section 2.** In the event a vacancy exists in the Office of Chair after the election of a Chair-Elect at the Annual Business Meeting, and before the succeeding Annual Conference, the Chair-Elect shall assume the Office of Chair for the remainder of the predecessor's term. Should a vacancy occur after the Annual Conference, the Chair-Elect for the following year shall become Chair. Should the offices of Vice-Chair, Second Vice-Chair, Vice-Chair-Elect or Second Vice-Chair-Elect become vacant, the Commission shall elect a successor for the vacant office at the next regular or special meeting. The Nominating Committee shall submit nominees to the Commission as early as practicable.

**Section 3.** An officer shall preside at all meetings, and otherwise perform the duties customarily performed by the Chair 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. The Steering Committee shall determine the compensation of the Executive Director. The Steering Committee shall conduct an annual review of the Executive Director's performance and, as appropriate, make adjustments to compensation 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 Chair and other members of each of these operational committees shall be appointed by the Chair of the Commission with membership

restricted to Official Representatives or Associate Official Representatives of the Member States. No state may have more than one member on the same operational committee at any given time.

Any designated Official Representative or Associate Official Representative of a Member State may participate in the deliberations of any of these committees, but only the appointed members have the right to make or second motions and to vote on these motions. The Nominating Committee will nominate potential members of the operational committees to the Chair of the Commission. All operational committee appointments will be for three-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 the Annual Business Meeting and Annual Conference and at other times, as necessary or appropriate, and shall consist of the Vice-Chair, Second Vice-Chair, Chair of the Finance Committee, and six additional members who will serve staggered three-year terms. The Steering Committee shall have authority to take administrative actions and to make recommendations to the Commission.

**Section 3.** The Finance Committee shall meet at each Annual Business Meeting and Annual Conference prior to the business session and at other times, as necessary or appropriate. It shall make recommendations with respect to financial matters. It shall also recommend a budget of proposed income and expenditures to the Commission on an annual or other basis as it may deem appropriate. The Finance Committee shall review and evaluate the annual assessments to the Member States, and the basis for the assessments, every two years and make recommendations for adjustments to the assessments to the Steering Committee for potential action by the Commission.

**Section 4.** The Nominating Committee shall meet at each Annual Business Meeting prior to the business session and at other times, as necessary or appropriate. It shall present nominees for each of the officers as provided in Article IV, Section 1 of these bylaws. The committee shall consist of the Vice-Chair, Second Vice-Chair, Official Representative of the state of the Chair-Elect, and Official Representatives or Associate Official Representatives from three other Member States.

**Section 5.** The Resolutions Committee shall meet at each Annual Business Meeting and

Annual Conference. It shall consider proposed resolutions that are statements of policy or position of the Commission and action plans for these resolutions. A resolution may be offered only by the Governor, Official Representative, or Associate Official Representative of a Member State or with the written endorsement of the same. At the Annual Business Meeting and Annual Conference, all proposed resolutions that are statements of policy or position shall be considered by the Resolutions Committee. Resolutions that do not contain statements of policy or position, but deal with Commission finances or administrative matters and are determined by the Finance Committee or Steering Committee to require approval by the Commission, are excluded from this requirement.

Any proposed resolution expressing a statement of policy or position of the Commission, which is to be presented at an Annual Business Meeting or Annual Conference, must be submitted to the Commission headquarters office at least 30 days prior to the day of the opening session of said meeting or conference. Upon receipt of the proposed resolution, the Executive Director shall send copies to Governors, Official Representatives, and Associate Official Representatives via mail

or e-mail. However, this requirement may be waived for a resolution submitted with less than the required 30-day notice by an affirmative vote of two-thirds of the members of the Resolutions Committee present and voting at the committee meeting, and then by an affirmative vote of two-thirds of the Member States of the Commission present and voting at the business meeting.

All resolutions approved by the Resolutions Committee for consideration by the Commission at the business session shall be by a majority affirmative vote of the committee members present and voting at the committee meeting. The sponsor of a resolution that has been tabled or defeated in the Resolutions Committee may introduce the resolution for consideration in the business session upon an affirmative vote of two-thirds of the Member States of the Commission present and voting to accept the resolution for consideration. All resolutions tabled or defeated in the Resolutions Committee, but brought forth by the sponsor to the Commission at the business session, are subject to passage by the voting process enumerated in Article III, Section 3 of the bylaws.

The Commission may, by a simple majority vote, delay the final vote on a late-submitted resolution or a resolution tabled or defeated in the Resolutions Committee, but brought to the business session for consideration, and schedule a final vote via conference call or email within 30 days after the conclusion of the business session, subject to passage by the voting process enumerated in Article III, Section 3 of the bylaws.

Any resolution approved by the Commission will be subject to a two-year sunset review by the Resolutions Committee unless otherwise specified in the resolution's action plan.

**Section 6.** The Commission may establish standing committees to consider various technical and legal subjects within the scope of the Compact. The Chair of the Commission shall appoint the Chairs of these standing committees. Chairs shall serve two-year terms and shall not be eligible for immediate reappointment after concluding a full term. Each committee may elect a Vice-Chair from among its members. The Governor or the Official Representative of a Member State may appoint individuals to these standing committees, but a Member State shall have only one vote in the standing committee. These committees

shall meet at each Annual Business Meeting and Annual Conference. 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. A standing committee may be established with either a fixed or indefinite term, and standing committees may be extended or dissolved by vote of the Commission at a regular or special meeting.

**Section 7.** There shall be a Council of Regulatory Officials composed of representatives from the oil and gas regulatory agencies of Member States, Associate Member States, and international affiliates. The Council shall meet during each Annual Business Meeting and Annual Conference to discuss regulatory issues of mutual interest to its members. It may select its own Chair. The Chair shall serve a two-year term of office. The Council may make recommendations for action to the

Commission, the Steering Committee, other committees, or individual members, and these same entities may refer matters to the Council for its consideration and action.

**Section 8.** There shall be a Council of Oil and Gas Attorneys composed of attorneys from the oil and gas regulatory agencies of Member States, Associate Member States, and international affiliates. The Council shall meet during each Annual Business Meeting and Annual Conference to discuss regulatory issues of mutual interest to its members. It may select its own Chair. The Chair shall serve a two-year term of office. The Council may make recommendations for action to the Commission, the Steering Committee, other committees, or individual members, and these same entities may refer matters to the Council for its consideration and action.

**Section 9.** The Commission also may establish special committees as it may deem necessary or appropriate, and the Chair of the Commission 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 regulation, shall be kept in the headquarters office. The extent of such information shall be determined by the Commission, in consultation with the Executive Director.

## **Article VII**

### *Finances*

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

**Section 2.** The Executive Director shall prepare and submit a budget of proposed income and expenditures on an annual or other basis, as appropriate, to the Finance Committee. The Finance Committee Chair or the Executive Director shall present

the proposed budget to the Commission at a properly called business meeting for approval. Once approved by the Commission, a budget shall constitute authority for the Executive Director to make the expenditures. In exercising this authority, the Executive Director may move funds between budget categories as appropriate, provided the total actual expenditures do not exceed the total approved expenditures. Between meetings of the Commission, spending from new funding sources or spending to address emergency needs may be approved by the Steering Committee upon consideration of detailed information submitted by the Executive Director and the Finance Committee.

## **Article VIII**

### *U.S. Federal Participation*

**Section 1.** The President of the United States, 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 Participation*

**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 Member States at an Annual Business Meeting or Annual Conference or special 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 State) 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 State) Any state desiring to be an Associate Member State 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 State 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 Annual Business Meeting, Annual Conference, or special meeting by the voting process enumerated in Article III, Section 3 of the bylaws.

**Interstate Oil and Gas Compact Commission**

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