

Rule 905. Annual Recertification

A. Recertification Requirement. Pursuant to Section 803 of the Agreement, each member state shall annually recertify to the Governing Board by August 1 of each year that the state is in compliance with the Agreement.

B. Compliance Review And Interpretations Committee.

1. Responsibility. Pursuant to Article 7, Section 2 of the by-laws, the Compliance Review and Interpretations Committee is responsible for reviewing compliance review reports to determine any needs for re-assessment and recommending findings of compliance and non-compliance to the Governing Board.

2. Recertification Documents.

- a.** By August 1 of each year, each member state shall submit to the Executive Director a statement certifying that the state is in compliance with the Agreement or submit a statement of noncompliance. The Executive Director shall forward all statements and any accompanying documents to the Chair of the Compliance Review and Interpretations Committee. A member state shall indicate any known items of noncompliance that may occur at a date following its certification submission or action needed to be taken to comply with requirements of the Agreement with future effective dates.
- b.** With the statement in subsection (a), each member state shall submit a certificate of compliance that sets out the state's statutes, rules, regulations, or other authorities that have been adopted to come into compliance with the specific provisions of the Agreement.
- c.** Each member state shall post its statement of recertification or its statement of noncompliance and an updated certificate of compliance on the state's web site by August 1 of each year. The updated certificate of compliance shall reflect the state's compliance with the provisions of the Agreement through August 1 of the year of submission. The Executive Director shall post all recertification filings on the Governing Board's web site.

3. Evaluation

- a.** The Compliance Review and Interpretations Committee and any designees that the chair of the Committee appoints to provide assistance shall review all statements and accompanying documents.
- b.** *The Compliance Review and Interpretations Committee or its designees shall solicit comments from a member state for any items found to potentially result in noncompliance. The*

committee will solicit public comment for a period of no less than 30 days from the date of the initial meeting in which annual recertification is placed on the committee's agenda.

- c. The Compliance Review and Interpretations Committee shall submit to a member state any findings of noncompliance based on a review of a certificate of compliance or other documentation submitted with a member state's annual statement of recertification. Such member state shall have 30 days to respond to the findings in writing to the chair of the Compliance Review and Interpretations Committee. No sooner than 31 days after submission of the findings to the member state, the Compliance Review and Interpretations Committee shall determine if further action is warranted.
- d. If the Compliance Review and Certification Committee finds that a member state is in compliance with the Agreement, the committee shall report such findings to the Governing Board. If the Compliance Review and Interpretations Committee determines that a member state is not in compliance with the Agreement, the committee shall submit such findings to the Governing Board.
- e. *If a state takes legislative or administrative action to address a finding of noncompliance made by the Compliance Review and Interpretations Committee prior to the convening of a meeting of the governing Board on which the issue of noncompliance is placed on the agenda of the Governing Board, the action shall be set out in the committee report to the Governing Board.*

C. Public Notice. The Executive Director shall provide a copy of a statement of noncompliance from the member state and any findings of noncompliance by the Compliance Review and Interpretations Committee to and shall solicit comments from the following parties:

- (1) the authorized representative of each member state;
- (2) the Chair of the State and Local Advisory Committee;
- (3) the Chair of the Business Advisory Council;
- (4) the general public as provided in Rule 806.2.

D. Agenda. No sooner than 60 days after the solicitation of comment, the statement of noncompliance from the member state and any findings of noncompliance by the Compliance Review and Interpretations Committee, the issue as to whether the member state is in compliance with the Agreement shall be placed on the agenda of the Governing Board for either a regular meeting or a special meeting. If a member state is found to be out of compliance by the Governing Board, the member state shall be subject to sanctions as authorized under Section 809 of the Agreement.

- E. Appeal.** If the subject state disagrees with the determination, the subject state may invoke the appeals process provided for in Section 1002 of the Agreement.
- F. Publication of the Decision.** Once the decision of the Governing Board becomes final, either because no appeal is filed or the appeal procedures have been exhausted, the decision shall be sent to the subject state and a copy of the decision shall be posted on the Website.