

RP06003A01

Rule 904 Compliance Petitions (Draft)

A. Requests for Determination of Compliance. Pursuant to Article 7, Section 2 of the SST Governing Board, Inc. Bylaws, any member state or person may petition the Governing Board to determine matters of a member state's compliance with the Agreement. The petition should be submitted in writing to the Executive Director.

B. Compliance Review and Interpretations Committee

1. **Initial Evaluation.** The Executive Director shall forward the petition to the Compliance Review and Interpretations Committee and to the subject state along with a request that the subject state acknowledge receipt of the petition to the Chair of the Compliance Review and Interpretations Committee within 10 days. No sooner than 31 days after the acknowledged receipt of the petition by the subject state, the Compliance Review and Interpretations Committee shall review the petition and any response from the state to determine if further action is warranted.
2. **Determination as Unnecessary.** If the Compliance Review and Interpretations Committee determines that the petition is inappropriate, unwarranted, or unnecessary for any reason, it shall notify the Executive Director who shall notify the petitioner that the Governing Board declines to act on the petition. This determination shall be reported to the Executive Committee and the Governing Board. If the petitioner disagrees with the initial determination, the petitioner may invoke the issue resolution process provided for in Article X of the Agreement.
3. **Formal determination.** If the Compliance Review and Interpretations Committee determines that the petition should be accepted and a determination of compliance should be made, the Committee shall inform the Executive Director who shall give public notice by publishing the petition for determination and any response from the subject state on the Website and solicit comments. The Compliance Review and Interpretations Committee ~~shall~~ *may* consult with the State and Local Advisory Council and the ~~Business~~ *Advisory Council*.

C. Public Notice. The Executive Director shall provide a copy of the petition for determination of compliance and any response from the subject state 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 Council;
- (3) the Chair of the ~~Business~~ *Advisory Council*; and
- (4) the general public as provided in Rule 806.1.

- D. Public Meeting.** No sooner than 60 days after the solicitation of comment, the Compliance Review and Interpretations Committee shall meet in a public meeting convened in accordance with Rule 807 to consider the petition. *If a member of the Compliance Review and Interpretations Committee represents the state that is the subject of the petition, that member shall not participate in a committee vote on the recommendation.* When a determination is made by the Compliance Review and Interpretations Committee, it shall issue a written recommendation. The recommendation shall be in the form of a determination as to whether the subject member state is in compliance with the Agreement. The recommendation shall provide the Committee's rationale for its recommendation. A copy of the recommendation shall be sent to the petitioner, the subject state, the Executive Committee, and the Governing Board.
- E. Agenda.** Actions recommended by the Compliance Review and Interpretations Committee shall be placed on the agenda of the Governing Board for either a regular meeting or a special meeting.
- F. Appeal.** If the petitioner or subject state disagrees with the determination, the petitioner or subject state may invoke the appeals process provided for in Article X, Section 1002 of the Agreement.
- G. Publication of Decision.** Once the decision of the Governing Board becomes final, either because no appeal is filed or because the appeal procedures have been exhausted, the decision shall be sent to the requesting party and a copy of the decision shall be posted on the Website.