

A motion by Arkansas and Utah to create Rule 809 of the SSTGB Rules relating to the sanction of member states to read as follows:

Rule 809 – Sanction of Member States

A. Executive Committee to Consider Sanctions

If the Governing Board finds a member state is out of compliance with the Agreement, the Executive Committee shall consider what sanctions should be recommended to the Governing Board pursuant to the procedures set out in this rule.

B. Stay of Consideration of Sanctions

1. If a member state files a petition for reconsideration pursuant to Rule 1001, the Executive Committee may, at its discretion, stay consideration of sanctions for any or all of the findings of non-compliance for which the member state has filed the petition.
2. When the petition has been finally determined, the Executive Committee shall consider what sanctions, if any, should be recommended to the Governing Board pursuant to the procedures set out in this rule in light of any sanctions already imposed under section B.1.

C. Notice and Comments

Within 30 days after the notice provided for in Section 805.1 is sent by the Executive Director, the Executive Committee shall provide a 30-day public comment period during which written comments may be submitted to the Executive Committee. All comments received by the Executive Committee shall be posted on the Governing Board website.

D. Public Meeting

No sooner than 10 days after the close of the public comment period, the Executive Committee shall hold a public meeting, which may be by teleconference pursuant to Rule 807.1(B)(2), convened in accordance with Rule 807 to determine the recommendation regarding sanctions to be made to the Governing Board. If a member of the Executive Committee represents the member state that has been found by the Governing Board to be out of compliance, that committee member shall not vote on the recommendation. The meeting shall provide an opportunity for public comments. The subject state shall be afforded an opportunity to be heard by the Committee at such meeting.

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E. Possible Recommendation

In arriving at a recommendation for sanction(s) the Executive Committee shall consider the requirement of the Agreement with which the state is out of compliance, the action which will be required to bring the subject state back into compliance with the Agreement and the length of time which will be required for the subject state to return to compliance with the Agreement. Recommendations which may be made by the Executive Committee include, but are not limited to:

1. Suspension of the subject state's right to vote on amendments to the Agreement;
2. Suspension of the subject state's right to vote to determine if a petitioning state is in compliance with the Agreement;
3. Suspension of the subject state's right to have any delegates serve on the Governing Board;
4. Suspension of the subject state's right to vote on any matter which may come before the Governing Board; or
5. Expulsion from the Agreement.

F. Written Recommendation

1. When a recommendation of the proposed sanction(s) is made by the Executive Committee, it shall issue a written report which shall provide the Committee's rationale for its recommendation. A copy of the recommendation shall be sent to the subject state and the Governing Board delegates of each member state. The recommendation shall be posted on the Governing Board's website.
2. The Executive Committee shall issue a written recommendation within 90 days after the public meeting provided for in subsection (D) of this rule.

G. Agenda

Sanctions recommended by the Executive Committee shall be placed on the agenda of the Governing Board for the next regular or special meeting for which there is sufficient time for the required notice to be given.

H. Governing Board Action

1. At a meeting where a recommendation of the Executive Committee for a sanction is on the agenda, the Governing Board shall:

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- a. impose a sanction recommended by the Executive Committee;
- b. impose a different sanction;
- c. defer any action on imposition of a sanction until a date certain; or
- d. decide not to impose a sanction.

2. If a sanction is imposed, the Governing Board shall specifically identify:

- a. the corrective action(s) the member state must take to have the sanction removed; and
- b. the person(s) who will verify and document that the member state has completed the corrective action(s).

3. When the member state has completed the required actions, which have been verified by the person(s) identified in subsection 2.b., the sanction imposed by the Governing Board with respect to that issue shall be lifted.

I. Effective Date of Sanction

The Governing Board shall determine the effective date of any sanction it imposes. The effective date may be conditional which would result in the sanction being imposed only if the subject state fails to come into compliance by a date certain.

J. Review of Sanctions for Continued Noncompliance

If a member state remains out of compliance with the same requirement of the Agreement after the next annual recertification process under section 803, the Executive Committee shall reconsider potential sanctions and make a recommendation to the Governing Board pursuant to the procedures set out in this rule.

K. Publication of Decision

The Executive Director shall send notice to the subject state and each member state's Governing Board delegates when a sanction is imposed or lifted.. A copy of the decision shall be posted on the subject state's and the Governing Board's website.