

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 340 Department or Agency Alabama Ethics Commission
Rule No. 340-X-1-.05
Rule Title: Procedures for Pre-Certification of a Function or Activity
X New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? N/A

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *John L. Clark*

Date 1.21.95

(DATE FILED)
(STAMP)

ALABAMA ETHICS COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Ethics Commission

RULE NO. & TITLE: Rule 340-X-1-.05 Procedures for Pre-certification of a Function or Activity

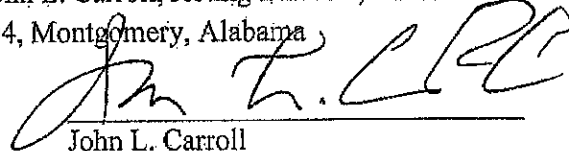
INTENDED ACTION: To create a rule which codifies the procedure for obtaining pre-certification of a function or activity under the Alabama Ethics Act and provides for the posting of information about pre-certified functions or activities on the website of the Alabama Ethics Commission

SUBSTANCE OF PROPOSED ACTION: ALA.CODE § 36-25-1(34)(b)(15) authorizes the Director of the Ethics Commission to pre-certify a function or activity. Anyone may invite a public official or public employee and their spouse to attend a pre-certified function or activity without violating the Alabama Ethics Act so long as the invitation is not for the purpose of corruptly influencing official action. A public official or public employee and their spouse may attend a pre-certified function or activity without violating the Alabama Ethics Act so long as attendance at the function or activity would not constitute accepting something to corruptly influence their official action. This rule would codify the process of pre-certification and provide for the posting of information about pre-certified functions or activities on the website of the Alabama Ethics Commission.

TIME, PLACE AND MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Alabama Ethics Commission on or before March 6, 2015 or orally, if requested in writing 48 hours in advance, to the Director of the Alabama Ethics Commission, by personally appearing at the office of the Alabama Ethics Commission at 10:00 AM on March 6, 2015

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: March 6, 2015

CONTACT PERSON AT AGENCY: John L. Carroll, Acting Director, Alabama Ethics Commission, 100 North Union Street, Suite 104, Montgomery, Alabama


John L. Carroll

340- X - 1 - .05 **Procedures for Pre-certification of a Function or Activity**

- (1) ALA.CODE § 36-25-1(34)(b)(15) authorizes the Director of the Ethics Commission to pre-certify a function or activity. Anyone may invite a public official or public employee and their spouse to attend a pre-certified function or activity without violating the Alabama Ethics Act so long as the invitation is not for the purpose of corruptly influencing official action. A public official or public employee and their spouse may attend a pre-certified function or activity without violating the Alabama Ethics Act so long as the attendance at the function or activity would not constitute accepting something to corruptly influence their official action.

- (2) In order to assist the director in determining whether an event or function should be pre-certified, an application seeking pre-certification shall
 - a. Be made in writing to the Director at least 10 calendar days before the function or activity is to take place and

 - b. Shall contain a statement of facts sufficient to show that the event or function should be pre-certified. The application should always state when the function or activity is to take place, specific information about who is invited as well as specific information about the purpose of the event and the event itself. If there is a formal agenda, a copy of the agenda should be attached to the application

- (3) Applications for pre-certification and their disposition will be posted on the website of the Alabama Ethics Commission

- (4) The website will also contain a chart summarizing the applications and dispositions for the applicable fiscal year.

Author: John L. Carroll

Statutory Authority: ALA.CODE § 36-25-4(a)(11)

History: New Rule filed January 21, 2015