

1 Repeal 2 Cal. Code Regs., Section 18944.1:

2 ~~§ 18944.1. Gifts: Agency Provided Tickets or Passes.~~

3 ~~(a) Application. For purposes of this regulation the terms “ticket” and “pass,” as defined~~
4 ~~in Regulation 18946, apply solely to an admission to a facility, event, show, or performance for~~
5 ~~an entertainment, amusement, recreational, or similar purpose provided by an agency to, or at the~~
6 ~~behest of, an official of that agency, other than an admission provided to a school, college or~~
7 ~~university district official, coach, athletic director, or employee to attend an amateur event~~
8 ~~performed by students of that school, college, or university district or an admission identified in~~
9 ~~Regulation 18942(a)(13). The provisions of this regulation apply only to the benefits the official~~
10 ~~receives from the ticket or pass that are provided to all members of the public with the same class~~
11 ~~of ticket or pass.~~

12 ~~(b) Ticket or Pass Treated as Income. A ticket or pass is not subject to the provisions of~~
13 ~~this regulation, if the official treats the ticket or pass as income consistent with applicable state~~
14 ~~and federal income tax laws and the agency reports the distribution of the ticket or pass as~~
15 ~~income to the official in compliance with the reporting provisions of subdivision (f) below.~~

16 ~~(c) Public Purpose. Any ticket or pass acquired by the agency under subdivision (d)(2)~~
17 ~~and distributed to an official for his or her personal use, other than an elected official or member~~
18 ~~of the legislative or governing body of the agency, to support general employee morale,~~
19 ~~retention, or to reward public service is deemed to serve a public purpose, and any tickets~~
20 ~~distributed to an official for such purpose must be reported as described under subdivision (f)(3).~~
21 ~~For purposes of this paragraph, “personal use” means use by the official, his or her family, or no~~
22 ~~more than one guest. The legislative or governing body of an agency, or, if none, the agency~~

1 head determines whether the distribution of tickets or passes serves a legitimate public purpose
2 of the agency, consistent with state law.

3 (d) Equal or Greater Value. The official will meet the burden under Section 82028 that
4 equal or greater value has been provided in exchange for the ticket or pass if the official
5 reimburses the agency for the ticket or if all of the following requirements are met:

6 (1) For a ticket or pass the agency receives from an outside source, other than as provided
7 in subdivision (d)(2):

8 (A) The ticket or pass is not earmarked by the outside source for use by the agency
9 official who uses the ticket or pass;

10 (B) The agency determines, in its sole discretion, who uses the ticket or pass.

11 (C) The distribution of the ticket or pass by the agency is made in accordance with a
12 policy adopted by the agency that incorporates all of the provisions of subdivision (e) below.

13 (2) For a ticket or pass the agency obtains (i) pursuant to the terms of a contract for use of
14 public property, (ii) because the agency controls the event (such as a state or county fair), or (iii)
15 by purchase at fair market value, the distribution of the ticket or pass is made in accordance with
16 a policy adopted by the agency that incorporates all of the provisions of subdivision (e) below.

17 (e) Agency Ticket/Pass Distribution Policy. Any distribution of a ticket or pass under this
18 regulation to, or at the behest of, an agency official must be made pursuant to a written agency
19 ticket distribution policy, duly adopted by the legislative or governing body of the agency or, if
20 none, the agency head that contains, at a minimum, all of the following:

21 (1) A provision setting forth the public purposes of the agency for which tickets or passes
22 may be distributed.

1 ~~(2) A provision requiring that the distribution of any ticket or pass to, or at the behest of,~~
2 ~~an agency official accomplishes a stated public purpose of the agency.~~

3 ~~(3) A provision prohibiting the transfer of any ticket received by an agency official~~
4 ~~pursuant to the distribution policy except to members of the official's immediate family or no~~
5 ~~more than one guest solely for their attendance at the event.~~

6 ~~(4) The policy must be maintained as a public record and is subject to inspection and~~
7 ~~copying under Section 81008. The agency must post the policy on its website within 30 days of~~
8 ~~adoption or amendment and send to the Commission by e-mail the agency's website link that~~
9 ~~displays the policy so that the Commission may post the link.~~

10 ~~(f) Reporting. Within 45 days of distribution of a ticket or pass, the distribution must be~~
11 ~~reported on a form provided by the Commission.~~

12 ~~(1) Except as provided in paragraphs (2) and (3) below, the information must include the~~
13 ~~following:~~

14 ~~(A) The name of the person receiving the ticket or pass;~~

15 ~~(B) A description of the event;~~

16 ~~(C) The date of the event;~~

17 ~~(D) The face value of the ticket or pass;~~

18 ~~(E) The number of tickets or passes provided to each person;~~

19 ~~(F) If the ticket or pass is behested, the name of the official who behested the ticket; and~~

20 ~~(G) A description of the public purpose under which the distribution was made or,~~
21 ~~alternatively, that the ticket or pass was distributed as income to the official.~~

22 ~~(2) If the ticket or pass is distributed to an organization outside the agency, the agency~~
23 ~~must report the name, address, description of the organization, and the number of tickets or~~

1 passes provided to the organization in lieu of reporting the names of each individual from the
2 organization as otherwise required in paragraph (1) above;

3 (3) If the ticket or pass is distributed pursuant to subdivision (d) the agency may report
4 the name of the department or other unit of the agency and the number of tickets or passes
5 provided to the department or other unit in lieu of reporting the name of the individual employee
6 as otherwise required in paragraph (1) above.

7 (4) The forms must be maintained as public records and are subject to inspection and
8 copying under Section 81008(a). The agency must post the form, or a summary of the
9 information on the form, on its website and send to the Commission by e-mail the agency's
10 website link that displays the form so that the Commission may post the website link.

11 Note: Authority cited: Section 83112, Government Code. Reference: Section 82028,
12 Government Code.