

1 Amend 2 Cal. Code Regs. Section 18944.1 to read:

2 **§ 18944.1. Gifts: Tickets or Passes to Events.**

3 For purposes of this regulation "ticket or pass" means admission to a facility,  
4 event, show, or performance for an entertainment, amusement, recreational, or similar  
5 purpose.

6 ~~(a) Ticket or pass provided by source other than official's agency. A ticket or pass~~  
7 ~~provided to an official for his or her admission to an event at which the official performs~~  
8 ~~a ceremonial role or function on behalf of the agency is not a gift to the official.~~

9 ~~(b)~~ Ticket or pass provided to official by official's agency.

10 (1) When an agency provides a ticket or pass to an official of that agency, the  
11 ticket or pass is not subject to the provisions of this regulation, provided that the official  
12 treats the ticket or pass as income consistent with applicable state and federal income tax  
13 laws and the agency reports the distribution of the ticket or pass as income to the official  
14 in complying with the provisions of subdivision ~~(d)~~ (c) below.

15 (2) When an agency provides a ticket or pass to a public official that otherwise  
16 meets the definition of gift under Section 82028 and is not exempt under applicable  
17 Commission regulations, the official will meet the burden under Section 82028 that equal  
18 or greater value has been provided in exchange therefor, provided that all of the  
19 following requirements are met:

20 (A) With respect to a ticket or pass from an outside source provided to an official  
21 by the official's agency:

22 (i) The ticket or pass is not earmarked by the original source for use by the agency  
23 official who uses the ticket or pass;

1 (ii) The agency determines, in its sole discretion, which official may use the ticket  
2 or pass.

3 (iii) The distribution of the ticket or pass by the agency is made in accordance  
4 with a policy adopted by the agency in accordance with subdivision ~~(e)~~ (b) below.

5 (B) With respect to a ticket or pass provided by the official's agency to an agency  
6 official, which ticket or pass the agency obtains (i) pursuant to the terms of a contract for  
7 use of public property, (ii) because the agency controls the event (such as a state or  
8 county fair), or (iii) that is purchased by the agency at fair market value, the distribution  
9 of the ticket or pass is made in accordance with subdivision ~~(e)~~ (b) below.

10 ~~(e)~~ (b) Any distribution of tickets or passes under subdivision ~~(b)(2)~~ (a)(2) by an  
11 agency to, or at the behest of, its officials must be made pursuant to a written policy duly  
12 adopted by legislative or governing body of the agency that state the public purposes to  
13 be accomplished by the agency policy. If the agency maintains a website, the written  
14 policy shall be posted on the website in a prominent fashion. The written policy shall  
15 contain, at a minimum, the following:

16 (1) a provision setting forth the public purposes of the agency to be accomplished  
17 by the distribution of tickets or passes;

18 (2) a provision requiring that the distribution of any ticket or pass by the agency  
19 to, or at the behest of, an official accomplish a public purpose of the agency; and

20 (3) a provision prohibiting the transfer by any official of any ticket or pass,  
21 distributed to such official pursuant to the agency policy, to any other person, except to  
22 members of the official's immediate family solely for their personal use.

1           ~~(d)~~ (c) The distribution of a ticket or pass pursuant to this regulation, or  
2 Regulation 18942(a)(13), including a ticket or pass that is provided to the official under  
3 subdivision ~~(b)(1)~~ (a)(1) above, shall be posted, on a form provided by the Commission,  
4 in a prominent fashion on the agency's website, within 30 days after the distribution. If  
5 the agency does not maintain a website, the form shall be maintained as a public record,  
6 be subject to inspection and copying under Section 81008(a), and be forwarded to the  
7 Commission for posting on its website. The posting shall include the following:

8           (1) the name of the person receiving the ticket or pass, except that if the ticket or  
9 pass is distributed to an organization outside the agency, the agency may post the name,  
10 address, description of the organization, and the number of tickets or passes provided to  
11 the organization in lieu of posting the names of each individual from the organization;

12           (2) a description of the event;

13           (3) the date of the event;

14           (4) the face value of the ticket or pass;

15           (5) the number of tickets or passes provided to each person;

16           (6) if the ticket or pass is behested, the name of the official who behested the  
17 ticket or pass; and

18           (7) a description of the public purpose under which the distribution was made or,  
19 alternatively, that the ticket or pass was distributed as income to the official.

20           ~~(e)~~ (d) The Commission recognizes the discretion of the legislative or governing  
21 body of an agency to determine whether the distribution of a ticket or pass serves a  
22 legitimate public purpose of the agency, provided the determination is consistent with  
23 state law.

1           ~~(f)~~ (e) The provisions of subdivision ~~(b)~~(a) apply only to the benefits the official  
2 receives by the admission and are not applicable to any other benefits the official may  
3 receive that are not included with the admission, such as food or beverages, or any other  
4 item presented to the official at the event.

5 NOTE: Authority cited: Section 83112, Government Code.

6 Reference: Section 82028, Government Code.