

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.