

Amend 2 Cal. Code Regs., Section 18946 to read:

§18946. Valuation of Gifts.

(a) General Gifts. Except as specified in subdivisions (b) and (c), a gift is valued at fair market value as of the date of receipt. Sections 18946.1 through 18946.5 provide for the valuation of specific types of gifts in the following situations:

Ticketed Events - See Regulation 18946.1

Invitation-Only Events - See Regulation 18946.2

Wedding Gifts - See Regulation 18946.3

Tickets to Nonprofit and Political Fundraisers - See Regulation 18946.4

Air Transportation - See Regulation 18946.5

(b) Unique Gifts. Whenever the fair market value of a gift cannot be determined because the gift is unique or unusual, the official must make a reasonable approximation. In making such an approximation, the official must take into account the price of similar items. If similar items are not available as a guide, a good faith estimate shall be utilized.

(c) Except as specified in Regulation 18946.1(a) and (b), the value of a gift is its full value even if unused, partially used, discarded, or transferred to another person.

(d) Definitions: For purposes of this regulation and Regulations 18946.1 through 18946.5, Regulation 18944.1, and Regulation 18640, the following definitions apply:

(1) ~~“Face Value.” “Face value” means the price as offered for sale to the general public indicated on the ticket or pass, or if that price is not indicated, the price at which the ticket or pass would otherwise be offered for sale to the general public by the operator of the venue or host of the event who offers the ticket for public sale.~~ “Fair Value.” For a ticket offered for sale to the general public, the “fair value” means the face value of the ticket or pass. The “fair value”

1 of a ticket or pass that does not have a face value indicated, or has a face value that is not
2 available to the general public, is the price at which the ticket or pass would otherwise be offered
3 for sale to the general public by the operator of the venue or host of the event who offers the
4 ticket for public sale. Where the price indicated on the ticket does not reflect the actual cost for a
5 ticket in a luxury box or suite, the face value is determined by dividing the total cost of the box
6 or suite by the number of tickets available for that box or suite.

7 (2) "Ticket." A "ticket" is anything that provides access, entry, or admission to a specific
8 future event or function and for which similar tickets are sold to the public to view, listen to, or
9 otherwise take advantage of the attraction or activity for which the ticket is sold and includes any
10 benefits that the ticket provides.

11 (3) "Pass." A "pass" is a ticket that provides repeated access, entry, or admission to a
12 facility or series of events and for which similar passes are sold to the public.

13 (4) "Invitation." An "invitation" means a request to attend an event or function by the
14 host, sponsor, or organizer of the event or function, where admission to the event is provided by
15 the invitation only and not by a ticket or pass as defined above.

16 (5) "Invitation Only Event." An "invitation only event" is a gathering of individuals, who
17 attend by invitation and where costs are incurred to hold the event beyond the costs of providing
18 food.

19 (6) "Specific Item." "Specific item" means a tangible item the official receives at an
20 event that is included among the non-cash nominal items presented to all attendees at the event.

21 Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 87207,
22 87302 and 89503, Government Code.