

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

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) ~~(12)~~. The provisions of this regulation apply only to the benefits the
10 official receives from the ticket or pass that are provided to all members of the public with the
11 same class of ticket or pass.

12 (b) ~~(a)(1)~~ Ticket or Pass Treated as Income. A ticket or pass is not subject to the
13 provisions of this regulation, if the official treats the ticket or pass as income consistent with
14 applicable state and federal income tax laws and the agency reports the distribution of the ticket
15 or pass as income to the official in compliance with the reporting provisions of subdivision (f)
16 ~~(d)~~ below.

17 (c) ~~(2)~~ Public Purpose. Any ticket or pass acquired by the agency under subdivision
18 (d)(2) ~~(b)(2)~~ and distributed to an official for his or her personal use, other than an elected
19 official or member of the legislative or governing body of the agency, ~~for the official's personal~~
20 ~~use~~, to support general employee morale, retention, or to reward public service is deemed to
21 serve a public purpose, and any tickets distributed to an official for such purpose must shall be
22 reported as described under subdivision (f)(3) ~~(d)(3)~~. For purposes of this paragraph, “personal
23 use” means use by the official, his or her family, or no more than one guest. The legislative or

1 governing body of an agency, or, if none, the agency head determines whether the distribution of
2 tickets or passes serves a legitimate public purpose of the agency, consistent with state law.

3 (d) ~~(b)~~ Equal or Greater Value. The official will meet the burden under Section 82028
4 that 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) ~~(b)(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) ~~(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) ~~(e)~~ below.

17 (e) ~~(e)~~ Agency Ticket/Pass Distribution Policy. Any distribution of a ticket or pass under
18 this regulation to, or at the behest of, an agency official must be made pursuant to a written
19 agency ticket distribution policy, duly adopted by the legislative or governing body of the agency
20 or, if 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 ~~(d) Public Posting. A record of a ticket or pass distributed pursuant to this regulation,~~
11 ~~must be completed, on a form provided by the Commission. The form must be maintained as a~~
12 ~~public record, be subject to inspection and copying under Section 81008(a), and be forwarded to~~
13 ~~the Commission for posting on its website.~~

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

16 (1) Except as provided in paragraphs (2) and (3) below, the information must include the
17 following:

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

19 (B) A description of the event;

20 (C) The date of the event;

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

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

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

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

3 (2) If the ticket or pass is distributed to an organization outside the agency, the agency
4 ~~must report shall post~~ the name, address, description of the organization, and the number of
5 tickets or passes provided to the organization in lieu of ~~reporting posting~~ the names of each
6 individual from the organization as otherwise required in paragraph (1) above;

7 (3) If the ticket or pass is distributed pursuant to subdivision ~~(d)~~ ~~(b)~~ the agency may
8 ~~report post~~ the name of the department or other unit of the agency and the number of tickets or
9 passes provided to the department or other unit in lieu of ~~reporting posting~~ the name of the
10 individual employee as otherwise required in paragraph (1) above;

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

15 ~~(e) The Commission recognizes the discretion of the legislative or governing body of an~~
16 ~~agency or, if none, the agency head to determine whether the distribution of a ticket or pass~~
17 ~~serves a legitimate public purpose of the agency, provided the determination is consistent with~~
18 ~~state law.~~

19 ~~(f) The provisions of this regulation apply only to the benefits the official receives that~~
20 ~~are provided to all members of the public with the same class of ticket.~~

21 Note: Authority cited: Section 83112, Government Code. Reference: Section 82028,
22 Government Code.