

July 14, 2017

PLEASE POST

To: Deans, Directors, Department Chairs, and Administrative Officers

Re: State Funded Travel Prohibition - Update

Dear Colleagues:

The California Attorney General announced on June 23, 2017 that the following four additional states were added to the list of states in which state funds cannot be used to fund or reimburse travel expenses:

Alabama
Kentucky
South Dakota
Texas

Question #2 in the attached FAQs has been updated accordingly.

In addition, UCOP clarified that funds from the State of California provided through a contract or grant are also considered “state funds” subject to the restrictions set out by AB 1887. This is addressed in question #3.

It is reasonable to permit state-funded travel to one of the four newly-added states if the travel was booked prior to June 23, 2017. However, if travel can be cancelled without penalty, that can be done or the travel could be funded by a non-state source if such funds are available.

The states above join **Kansas, Mississippi, North Carolina** and **Tennessee** on the list of banned states.

Please see the original BruinPost below sent on January, 13 2017.

Scott Monatlik
Senior Director
Corporate Financial Services

Frequently Asked Questions Regarding AB 1887 Requirements

1. Does AB 1887 prohibit all travel to states on the Attorney General's list?

No. AB 1887 prohibits the use of state funds to pay for travel to a state on the Attorney General's list, except where one of the statutory exceptions applies. It does not affect travel that is paid for or reimbursed using non-state funds.

2. What are the states that the California Attorney General Identified as Subject to the Travel Prohibition?

The Attorney General lists the states impacted by this legislation on their website, whose office is responsible for updates as necessary: <https://oag.ca.gov/ab1887>

These states were on the initial list posted when the law was published:

- Kansas
- Mississippi
- North Carolina
- Tennessee

On June 23, 2017 the Attorney General published four additional states to the list:

- Alabama
- Kentucky
- South Dakota
- Texas

3. How are "state funds" defined?

State funds have been identified by the system-wide budget office as encompassing all State General Funds and State Special Fund appropriations to a campus. This includes all of the 199XX funds except those that are classified as UC General Funds (i.e.; 199331, 19933, 19934, 19940, 19941, and 19942).

Approximately 45% of fund group 69085 assessments are from non-state funds; therefore, Fund group 69085 may be used to reimburse otherwise allowed to travel to one of these states as long as the expenditures for the travel do not exceed 55% of the location's total 69085 fund allocation.

Funds from the State of California provided via contracts and grants are also "state funds" subject to the restrictions set out by AB 1887.

4. What does it mean for travel to be “state funded”?

The statute does not define the term “state funded.” OGC has interpreted the restriction on the use of state funds to apply to direct expenditures for travel-related costs (e.g., hotel and transportation) but not to the salaries or time spent by employees who travel to one of the identified states.

5. What are the exceptions where state-funded travel will be allowed to states on the Attorney General’s list?

The law does not apply to travel that is required for any of the following purposes:

- 1) Enforcement of California law, including auditing and revenue collection.
- 2) Litigation.
- 3) To meet contractual obligations incurred before January 1, 2017.
- 4) To comply with requests by the federal government to appear before committees.
- 5) To participate in meetings or training required by a grant or required to maintain grant funding.
- 6) To complete job-required training necessary to maintain licensure or similar standards required for holding a position, in the event that comparable training cannot be obtained in California or a different state not affected by subdivision (b).
- 7) For the protection of public health, welfare, or safety, as determined by the affected agency, department, board, authority, or commission, or by the affected legislative office.

6. What if an athletic team has committed to participate in a bowl game or other competition in an affected state?

If a contract to participate in an event was entered into before January 1, 2017, then it would be permissible to use state funds to travel to participate in a bowl game or other type of sporting competition. If the contract was entered into on or after January 1, 2017, then state funds should not be used for the travel.

7. Does the law prohibit travel to an affected state for research purposes?

If the travel is necessary to participate in meetings or training required by a grant, or required to maintain grant funding, then reimbursement with state funds is permitted. Otherwise, non-state funds should be used to pay for or reimburse the travel expenses.

8. Does the law prohibit admissions or athletics recruiters from traveling to states on the Attorney General’s list?

No. Non-state funds should be used to pay for the travel expenses.

9. Does UC have a responsibility to continue to monitor the Attorney General's website for additional states that are added to the list of those where state-funded travel is prohibited?

Yes. UC has the responsibility to consult the list on the Attorney General's website in order to comply with the travel and funding restrictions imposed by the law. However, UC has no obligation to make a determination about whether a state that is not included on the Attorney General list should be.

10. How is travel that is reimbursed after it occurred handled under this new law?

If travel occurring after January 1, 2017 does not meet one of the exceptions noted above, then it should not be reimbursed with state funds.

11. May state funds be used for reimbursement of travel to contractors?

Yes. But not for travel expenses *to or within* the prohibited state if such travel reimbursement is not covered in a contract entered into prior to January 1, 2017. Reimbursement for travel *from* the prohibited state may be reimbursed in all instances. Travel from a prohibited state, including the return flight back, shall be construed as travel "to" the original destination.

12. May state funds be used for reimbursement of travel to recruits regarding faculty and staff appointments?

Yes, as long as the travel expenses were not incurred for travel to and within the prohibited state. Reimbursement for travel from the prohibited state may be reimbursed in all instances. Travel from a prohibited state, including the return flight back, shall be construed as travel "to" the original destination.

13. Can an employee be required to travel to one of the prohibited states on the AG list?

No. California Government Code Section 11139.8(b)(1) prohibits UC from requiring any employee to travel to one of the states on the AG's list (absent applicability of one of the statutory exceptions listed in Government Code Section 11139.8(c) {see FAQ # 5 above}.

January 13, 2017

PLEASE POST

To: Deans, Directors, Department Chairs, and Administrative Officers

Re: State Funded Travel Prohibition

Dear Colleagues:

As indicated in the attached letter from UCOP, Governor Brown signed into law AB 1887 which prohibits state-funded travel to a state that has passed a law that (1) authorizes discrimination based on sexual orientation, gender identity and gender expression, or (2) voids or repeals existing state or local protections against such discrimination. The law expressly identifies the University of California as an entity covered by the law.

As of the date of this notice, the States of Kansas, Mississippi, North Carolina and Tennessee are on the prohibited travel list. The list of states may be updated on the Attorney General's website found here: <https://oag.ca.gov/ab1887>.

Please note that the law does not prohibit travel that is paid for or reimbursed using non-state funds.

AB 1887 provides a number of exceptions where state-funded travel will be allowed to states that are on the Attorney General's prohibited list. The attached "Frequently Asked Questions" provides further information about these exceptions.

The law also prohibits the University of California from requiring employees to travel to the states on the Attorney General's list, regardless of funding source. Consequently, an employee may decline to travel to one of the identified states, unless one of the statutory exceptions applies.

If you have any questions, please call me at (310) 794-6724 or email smonatlik@finance.ucla.edu.

Sincerely,

Scott Monatlik

Senior Director

Corporate Financial Services