

AN ACT to amend the legislative  
law in relation to the  
definition of a gift

1           The People of the State of New York represented in the Senate and Assembly, do enact

2   as

3   follows:

4           Section 1. Subdivision (j) of section 1-c of the legislative law, as amended by chapter  
5   14 of the laws of 2007, is amended to read as follows:

6           (j) The terms of gift shall mean anything of more than nominal value given to a public  
7   official in any form including, but not limited to money, service, loan, travel, lodging, means,  
8   refreshments, entertainment, discount, forbearance, or promise, having a monetary value.

9           The following are excluded from the definition of a gift:

10          (i) complimentary attendance, including food and beverages, at bona fide charitable or  
11   political events [,and food and beverages of nominal value offered other than as part of a meal];

12          (ii) complimentary attendance, food and beverage offered by the sponsor of an event  
13   that is widely attended[ or was in good faith intended to be widely attended, ]when attendance at  
14   the event is related to the attendee's duties or responsibilities as a public official or allows the  
15   public officials to perform a ceremonial function appropriate to her or her position, provided that

16   an event shall be deemed to be widely attended if at least twenty-five individuals, other than

17   public officials, are in attendance or in good faith intended to attend the event, and such

18   additional attendees are not affiliated with the sponsor, producer or benefactor of the event ;

1 (iii) awards, plaques, and other ceremonial items which are publicly presented, or  
2 intended to be publicly presented, in recognition of public service, provided that the item or  
3 items are of the type customarily bestowed at such or similar ceremonies and are otherwise  
4 reasonable under the circumstances, and further provide that the functionality of such items shall  
5 not determine whether such items are permitted under this paragraph;

6 (iv) an honorary degree bestowed upon a public official by a public or private college or  
7 university;

8 (v) promotional items having no substantial resale value such as pens, mugs, calendars,  
9 hats, and t-shirts which bear an organization's name, logo, or message in manner which  
10 promotes the organization's cause;

11 (vi) goods and services, or discounts for goods and services, offered to the general public  
12 or a segment of the general public defined on a basis other than status as a public official and  
13 offered on the same terms and conditions as the goods and services are offered to the public or  
14 segment thereof;

15 (vii) gifts from a family member, member of the same household, or person with a  
16 personal relationship with the public official, including invitations to attend personal or family  
17 social events, when the circumstances established that it is the family, household or personal  
18 relationship that is the primary motivating factor; in determining motivation, the following  
19 factors shall be among those considered: (A) the history and nature of the relationship between  
20 the donor and the recipient, including whether or not items have previously been exchanged; (B)  
21 whether the item was purchased by the donor; and (C) whether or not the donor at the same time  
22 gave similar items to other public officials; the transfer shall not be considered to be motivated  
23 by a family, household, or personal relationship if the donor seeks to change or deduct the value

1 of such items as a business expense or seeks reimbursement from a client;

2 (viii) contributions reportable under article fourteen of the election law and reportable as  
3 lobbying expenses;

4 (ix) travel reimbursement or payment for transportation, meals and accommodations for  
5 an attendee, panelist or speaker at an informational event when such reimbursement or payment  
6 is made by a governmental entity or by an in-state accredited public or private institution of  
7 higher education that hosts the event on its campus, provided, however, that the public official  
8 may only accept lodging from an institution of higher education: (A) at the location on or within  
9 close proximity to the hosts campus; and (B) for the night preceding and the nights of the days  
10 on which the attendee, panelist or speaker actually attends the event;

11 (x) provision of local transportation to inspect or tour facilities, operations or property  
12 owned or operated by the entity providing such transportation, provided, however, that payment  
13 or reimbursement of lodging, meals or travel expenses to and from the locality which such  
14 facilities, operations or property are located shall be considered to be gifts unless otherwise  
15 permitted under this subdivision; and

16 (xi) meals or refreshments when participating in a professional or education program  
17 and the meals or refreshments are provided to all participants.

18 §2. Section 1-m of the legislative law as amended by chapter 14 of the laws of 2007 is  
19 amended to read as follows:

20 No individual or entity required to be listed on a statement of registration pursuant to this  
21 article shall offer or give a gift to any public official as defined within this article[, unless under  
22 the circumstances it is not reasonable to infer that the gift was intended to influence such public  
23 official]. No individual or entity required to be listed on a statement of registration pursuant to

1 this article shall offer or give a gift to the spouse or unemancipated child of any public official as  
2 defined within this article [,under circumstances where it is reasonable to infer that the gift was  
3 intended to influence such public official]. No spouse or unemancipated child of an individual  
4 required to be listed on a statement of registration pursuant to this article shall offer or give a gift  
5 to a public official [,under circumstances where it is reasonable to infer that the gift was intended  
6 to influence such public official]. This section shall not apply to gifts that are within the  
7 exceptions identified with this section and to officers, members or directors of boards,  
8 commissions, councils, public authorities or public benefit corporations who receive no  
9 compensation or are compensated on a per diem basis, unless the person listed on the statement  
10 of registration appears or has matters pending before the board, commission or council on which  
11 the recipient sits.

12 §4. This act shall take effect immediately.