S T A T E O F N E W Y O R K

5883

2009-2010 Regular Sessions

I N S E N A T E

June 15, 2009

Introduced by Sen. WINNER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to providing for the issuance of a certificate of ethics course completion to professional fundraisers who complete a course of instruction in the law and ethics of fundraising

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 178 to read as follows:

S 178. COURSE OF INSTRUCTION IN THE LAW AND THE ETHICS OF FUNDRAISING AND PHILANTHROPY. 1. ANY PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, OR FUNDRAISING COUNSEL, WHO IS AN INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO SECTION ONE HUNDRED SEVENTY-THREE OF THIS ARTICLE, WHO SHALL HAVE COMPLETED AN ACCEPTABLE COURSE OF INSTRUCTION IN THE LAW AND ETHICS OF FUNDRAISING AND PHILANTHROPY SHALL BE ENTITLED TO A CERTIFICATE OF ETHICS COURSE COMPLETION BY THE ATTORNEY GENERAL. SUCH INDIVIDUALS SHALL VERIFY ON THEIR REGISTRATION OR RE-REGISTRATION FORM THAT THEY HAVE COMPLETED SUCH COURSE AND SHALL PROVIDE DOCUMENTATION OF SUCH COMPLETION AT THE REQUEST OF THE ATTORNEY GENERAL.

2. ANY PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, OR FUNDRAISING COUNSEL WHICH IS AN ORGANIZATION, GROUP, ASSOCIATION, PARTNERSHIP, CORPORATION, OR ANY COMBINATION THEREOF REQUIRED TO REGISTER PURSUANT TO SECTION ONE HUNDRED SEVENTY-THREE OF THIS ARTICLE, SHALL BE ENTITLED TO A CERTIFICATE OF ETHICS COURSE COMPLETION BY THE ATTORNEY GENERAL WHEN SEVENTY-FIVE PERCENT OF THE EMPLOYEES OF THE PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, OR FUNDRAISING COUNSEL RESPONSIBLE FOR THE HIRING, TRAINING OR SUPERVISION OF EMPLOYEES ENGAGED IN THE FUNDRAISING ACTIVITIES OF THE CHARITABLE ORGANIZATION COMPLETE AN ACCEPTABLE COURSE OF INSTRUCTION IN THE LAW AND ETHICS OF FUNDRAISING AND PHILANTHROPY. SUCH PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, OR FUNDRAISING

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD14348-02-9

COUNSEL SHALL VERIFY ON ITS REGISTRATION OR RE-REGISTRATION FORM THAT SUCH VOLUNTEERS OR EMPLOYEES HAVE COMPLETED SUCH COURSE AND SHALL PROVIDE DOCUMENTATION OF SUCH COMPLETION AT THE REQUEST OF THE ATTORNEY GENERAL.

3. ANY CHARITABLE ORGANIZATION, INCLUDING ANY CHARITABLE ORGANIZATION REQUIRED TO BE REGISTERED PURSUANT TO ARTICLE EIGHT OF THE ESTATES, POWERS AND TRUSTS LAW, REQUIRED TO REGISTER PURSUANT TO SECTION ONE HUNDRED SEVENTY-TWO OF THIS ARTICLE, SHALL BE ENTITLED TO A CERTIFICATE OF ETHICS COURSE COMPLETION BY THE ATTORNEY GENERAL WHEN SEVENTY-FIVE PERCENT OF THE EMPLOYEES OF THE CHARITABLE ORGANIZATION RESPONSIBLE FOR THE HIRING, TRAINING OR SUPERVISION OF EMPLOYEES ENGAGED IN THE FUNDRAISING ACTIVITIES OF THE CHARITABLE ORGANIZATION COMPLETE AN ACCEPTABLE COURSE OF INSTRUCTION IN THE LAW AND ETHICS OF FUNDRAISING AND PHILANTHROPY. SUCH CHARITABLE ORGANIZATION SHALL VERIFY ON ITS REGISTRATION OR RE-REGISTRATION FORM THAT SUCH VOLUNTEERS OR EMPLOYEES HAVE COMPLETED SUCH COURSE AND SHALL PROVIDE DOCUMENTATION OF SUCH COMPLETION AT THE REQUEST OF THE ATTORNEY GENERAL.

4. THE ATTORNEY GENERAL SHALL ANNUALLY PUBLISH THE NAMES OF ANY PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, FUNDRAISING COUNSEL OR CHARITABLE ORGANIZATION THAT HAS BEEN GRANTED A CERTIFICATE OF ETHICS COURSE COMPLETION IN ANY REPORT PREPARED TO ASSIST THE PUBLIC IN DETERMINING WHICH CHARITABLE ORGANIZATIONS TO SUPPORT AND SHALL INDICATE THAT A CERTIFICATE OF ETHICS COURSE COMPLETION HAS BEEN GRANTED IN THE CHARITIES BUREAU REGISTRY MAINTAINED BY THE ATTORNEY GENERAL.

5. FOR THE PURPOSE OF THIS SECTION, "ACCEPTABLE COURSE" SHALL MEAN A COURSE OF INSTRUCTION APPROVED BY THE ATTORNEY GENERAL, IN CONSULTATION WITH THE EDUCATION DEPARTMENT, IN RELATION TO THE LAW AND ETHICS OF FUNDRAISING AND PHILANTHROPY. UNIVERSITIES AND COLLEGES STATEWIDE, AND PROFESSIONAL TRADE ASSOCIATIONS THAT ESTABLISH PROFESSIONAL STANDARDS AND PROVIDE TRAINING AND RESOURCES FOR INDIVIDUALS ENGAGING IN PROFESSIONAL FUNDRAISING, MAY OFFER AN ACCEPTABLE COURSE THROUGH CLASSROOM TRAINING AND/OR BY DISTANCE LEARNING, AND SHALL PROVIDE DOCUMENTATION OF COMPLETION TO THOSE WHO COMPLETE THE COURSE. ANY PERSON TAKING THE COURSE MAY ELECT TO DO SO BY EITHER METHOD OFFERED. COURSES PROVIDED BY DISTANCE LEARNING SHALL BE SUBJECT TO ALL REGULATIONS ESTABLISHED BY THE STATE EDUCATION DEPARTMENT FOR SUCH COURSES.

S 2. The attorney general, in consultation with the education department, shall issue a report to the governor, the temporary president of the senate and the speaker of the assembly on or before June 30, 2012 on the number and location of available approved courses of instruction, the total number of registrants that completed such courses and the total number of such registrants who are eligible to receive a certificate of ethics course completion as provided for in section 178 of the executive law, as added by section one of this act. The report shall also include an assessment of the adequacy of the availability of the courses statewide, of registrant satisfaction with the available courses and recommendations with respect to the feasibility of legislation mandating the completion of such courses.

S 3. This act shall take effect immediately.