

8908

2009-2010 Regular Sessions

I N A S S E M B L Y

June 15, 2009

Introduced by M. of A. DESTITO -- read once and referred to the Committee on Governmental Operations

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:

1 Section 1. The executive law is amended by adding a new section 178 to
2 read as follows:
3 S 178. COURSE OF INSTRUCTION IN THE LAW AND THE ETHICS OF FUNDRAISING
4 AND PHILANTHROPY. 1. ANY PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR,
5 OR FUNDRAISING COUNSEL, WHO IS AN INDIVIDUAL REQUIRED TO REGISTER
6 PURSUANT TO SECTION ONE HUNDRED SEVENTY-THREE OF THIS ARTICLE, WHO SHALL
7 HAVE COMPLETED AN ACCEPTABLE COURSE OF INSTRUCTION IN THE LAW AND ETHICS
8 OF FUNDRAISING AND PHILANTHROPY SHALL BE ENTITLED TO A CERTIFICATE OF
9 ETHICS COURSE COMPLETION BY THE ATTORNEY GENERAL. SUCH INDIVIDUALS SHALL
10 VERIFY ON THEIR REGISTRATION OR RE-REGISTRATION FORM THAT THEY HAVE
11 COMPLETED SUCH COURSE AND SHALL PROVIDE DOCUMENTATION OF SUCH COMPLETION
12 AT THE REQUEST OF THE ATTORNEY GENERAL.
13 2. ANY PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, OR FUNDRAISING
14 COUNSEL WHICH IS AN ORGANIZATION, GROUP, ASSOCIATION, PARTNERSHIP,
15 CORPORATION, OR ANY COMBINATION THEREOF REQUIRED TO REGISTER PURSUANT TO
16 SECTION ONE HUNDRED SEVENTY-THREE OF THIS ARTICLE, SHALL BE ENTITLED TO
17 A CERTIFICATE OF ETHICS COURSE COMPLETION BY THE ATTORNEY GENERAL WHEN
18 SEVENTY-FIVE PERCENT OF THE EMPLOYEES OF THE PROFESSIONAL FUNDRAISER,
19 PROFESSIONAL SOLICITOR, OR FUNDRAISING COUNSEL RESPONSIBLE FOR THE
20 HIRING, TRAINING OR SUPERVISION OF EMPLOYEES ENGAGED IN THE FUNDRAISING
21 ACTIVITIES OF THE CHARITABLE ORGANIZATION COMPLETE AN ACCEPTABLE COURSE
22 OF INSTRUCTION IN THE LAW AND ETHICS OF FUNDRAISING AND PHILANTHROPY.
23 SUCH PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, OR FUNDRAISING

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

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

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

18 4. THE ATTORNEY GENERAL SHALL ANNUALLY PUBLISH THE NAMES OF ANY
19 PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, FUNDRAISING COUNSEL OR
20 CHARITABLE ORGANIZATION THAT HAS BEEN GRANTED A CERTIFICATE OF ETHICS
21 COURSE COMPLETION IN ANY REPORT PREPARED TO ASSIST THE PUBLIC IN DETER-
22 MINING WHICH CHARITABLE ORGANIZATIONS TO SUPPORT AND SHALL INDICATE THAT
23 A CERTIFICATE OF ETHICS COURSE COMPLETION HAS BEEN GRANTED IN THE CHARI-
24 TIES BUREAU REGISTRY MAINTAINED BY THE ATTORNEY GENERAL.

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

37 S 2. The attorney general, in consultation with the education depart-
38 ment, shall issue a report to the governor, the temporary president of
39 the senate and the speaker of the assembly on or before June 30, 2012 on
40 the number and location of available approved courses of instruction,
41 the total number of registrants that completed such courses and the
42 total number of such registrants who are eligible to receive a certif-
43 icate of ethics course completion as provided for in section 178 of the
44 executive law, as added by section one of this act. The report shall
45 also include an assessment of the adequacy of the availability of the
46 courses statewide, of registrant satisfaction with the available courses
47 and recommendations with respect to the feasibility of legislation
48 mandating the completion of such courses.

49 S 3. This act shall take effect immediately.