

5883

2009-2010 Regular Sessions

I N   S E N A T E

June 15, 2009

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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:

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 SOLICI-  
5     TOR, 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.