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

10615

I N A S S E M B L Y

June 8, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Galef) -- 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 and charitable organizations 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, SEVENTY-FIVE PERCENT OF WHOSE EMPLOYEES RESPONSIBLE FOR THE HIRING, TRAINING OR SUPERVISION OF EMPLOYEES ENGAGED IN THE FUNDRAISING ACTIVITIES OF THE ORGANIZATION, GROUP, ASSOCIATION, PARTNERSHIP OR CORPORATION COMPLETE 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 PROFESSIONAL FUNDRAISER, PROFESSIONAL SOLICITOR, OR FUNDRAISING 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.

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

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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, SEVENTY-FIVE PERCENT OF WHOSE EMPLOYEES 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 SHALL BE ENTITLED TO A CERTIFICATE OF ETHICS COURSE COMPLETION BY THE ATTORNEY GENERAL. 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 THE CHARITIES BUREAU REGISTRY MAINTAINED BY THE ATTORNEY GENERAL SHALL INDICATE THAT A CERTIFICATE OF ETHICS COURSE COMPLETION HAS BEEN GRANTED.

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. This act shall take effect immediately.