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I N   S E N A T E

September 14, 2016

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Introduced by Sen. BOYLE -- 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 reporting of contributions or grants from a government agency by registered charitable organizations

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

1     Section 1. Subdivision 1 of section 172-b of the executive law, as  
2     amended by section 3 of chapter 549 of the laws of 2013, is amended to  
3     read as follows:  
4     1. Every charitable organization registered or required to be regis-  
5     tered pursuant to section one hundred seventy-two of this article which  
6     shall receive in any fiscal year gross revenue and support in excess of  
7     five hundred thousand dollars shall file with the attorney general an  
8     annual written financial report, on forms prescribed by the attorney  
9     general, on or before the fifteenth day of the fifth calendar month  
10    after the close of such fiscal year. The annual financial report shall  
11    be accompanied by an annual financial statement which includes an inde-  
12    pendent certified public accountant's audit report containing an opinion  
13    that the financial statements are presented fairly in all material  
14    respects and in conformity with generally accepted accounting princi-  
15    ples, including compliance with all pronouncements of the financial  
16    accounting standards board and the American Institute of Certified  
17    Public Accountants that establish accounting principles relevant to  
18    not-for-profit organizations. Such financial report shall include a  
19    statement of any changes in the information required to be contained in  
20    the registration form filed on behalf of such organization. The finan-  
21    cial report shall be signed by the president or other authorized officer  
22    and the chief fiscal officer of the organization who shall certify under  
23    penalties for perjury that the statements therein are true and correct  
24    to the best of their knowledge, and shall be accompanied by an opinion  
25    signed by an independent public accountant that the financial statement  
26    and balance sheet therein present fairly the financial operations and  
27    position of the organization.     THE ATTORNEY GENERAL MAY REQUIRE THE

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

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REPORTING OF A CONTRIBUTION OR GRANT FROM A GOVERNMENT AGENCY DURING THE REPORTING PERIOD, INCLUDING BUT NOT LIMITED TO FOREIGN GOVERNMENT ENTITIES. A fee of twenty-five dollars payable to the attorney general shall accompany such financial report at the time of filing, provided however, that any such organization that is registered with the attorney general pursuant to article eight of the estates, powers and trusts law is required to file only one annual financial report which meets the filing requirements of this article and section 8-1.4 of the estates, powers and trusts law.

S 2. Subdivision 1 of section 172-b of the executive law, as amended by section 3-a of chapter 549 of the laws of 2013, is amended to read as follows:

1. Every charitable organization registered or required to be registered pursuant to section one hundred seventy-two of this article which shall receive in any fiscal year gross revenue and support in excess of seven hundred fifty thousand dollars shall file with the attorney general an annual written financial report, on forms prescribed by the attorney general, on or before the fifteenth day of the fifth calendar month after the close of such fiscal year. The annual financial report shall be accompanied by an annual financial statement which includes an independent certified public accountant's audit report containing an opinion that the financial statements are presented fairly in all material respects and in conformity with generally accepted accounting principles, including compliance with all pronouncements of the financial accounting standards board and the American Institute of Certified Public Accountants that establish accounting principles relevant to not-for-profit organizations. Such financial report shall include a statement of any changes in the information required to be contained in the registration form filed on behalf of such organization. The financial report shall be signed by the president or other authorized officer and the chief fiscal officer of the organization who shall certify under penalties for perjury that the statements therein are true and correct to the best of their knowledge, and shall be accompanied by an opinion signed by an independent public accountant that the financial statement and balance sheet therein present fairly the financial operations and position of the organization. THE ATTORNEY GENERAL MAY REQUIRE THE REPORTING OF A CONTRIBUTION OR GRANT FROM A GOVERNMENT AGENCY DURING THE REPORTING PERIOD, INCLUDING BUT NOT LIMITED TO FOREIGN GOVERNMENT ENTITIES. A fee of twenty-five dollars payable to the attorney general shall accompany such financial report at the time of filing, provided however, that any such organization that is registered with the attorney general pursuant to article eight of the estates, powers and trusts law is required to file only one annual financial report which meets the filing requirements of this article and section 8-1.4 of the estates, powers and trusts law.

S 3. Subdivision 1 of section 172-b of the executive law, as amended by section 3-b of chapter 549 of the laws of 2013, is amended to read as follows:

1. Every charitable organization registered or required to be registered pursuant to section one hundred seventy-two of this article which shall receive in any fiscal year gross revenue and support in excess of one million dollars shall file with the attorney general an annual written financial report, on forms prescribed by the attorney general, on or before the fifteenth day of the fifth calendar month after the close of such fiscal year. The annual financial report shall be accompanied by an annual financial statement which includes an independent certified

1 public accountant's audit report containing an opinion that the finan-  
2 cial statements are presented fairly in all material respects and in  
3 conformity with generally accepted accounting principles, including  
4 compliance with all pronouncements of the financial accounting standards  
5 board and the American Institute of Certified Public Accountants that  
6 establish accounting principles relevant to not-for-profit organiza-  
7 tions. Such financial report shall include a statement of any changes in  
8 the information required to be contained in the registration form filed  
9 on behalf of such organization. The financial report shall be signed by  
10 the president or other authorized officer and the chief fiscal officer  
11 of the organization who shall certify under penalties for perjury that  
12 the statements therein are true and correct to the best of their know-  
13 ledge, and shall be accompanied by an opinion signed by an independent  
14 public accountant that the financial statement and balance sheet therein  
15 present fairly the financial operations and position of the organiza-  
16 tion. THE ATTORNEY GENERAL MAY REQUIRE THE REPORTING OF A CONTRIBUTION  
17 OR GRANT FROM A GOVERNMENT AGENCY DURING THE REPORTING PERIOD, INCLUDING  
18 BUT NOT LIMITED TO FOREIGN GOVERNMENT ENTITIES. A fee of twenty-five  
19 dollars payable to the attorney general shall accompany such financial  
20 report at the time of filing, provided however, that any such organiza-  
21 tion that is registered with the attorney general pursuant to article  
22 eight of the estates, powers and trusts law is required to file only one  
23 annual financial report which meets the filing requirements of this  
24 article and section 8-1.4 of the estates, powers and trusts law.

25 S 4. This act shall take effect immediately, provided that the amend-  
26 ments to subdivision 1 of section 172-b of the executive law made by  
27 section one of this act shall be subject to the expiration and reversion  
28 of such subdivision, when upon such date the provisions of section two  
29 of this act shall take effect, and provided, further, that the amend-  
30 ments to subdivision 1 of section 172-b of the executive law made by  
31 section two of this act shall be subject to the expiration and reversion  
32 of such subdivision, when upon such date the provisions of section three  
33 of this act shall take effect.