

# STATE OF NEW YORK

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2688--B

Cal. No. 214

2017-2018 Regular Sessions

## IN ASSEMBLY

January 20, 2017

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Introduced by M. of A. STECK -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the executive law, in relation to solicitation used by or on behalf of any charitable organization

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 1, 2 and 3 of section 174-b of the executive  
2 law, subdivisions 1 and 3 as amended by chapter 43 of the laws of 2002  
3 and subdivision 2 as amended by chapter 490 of the laws of 2010, are  
4 amended to read as follows:

5 1. Any solicitation, by any means, including but not limited to oral  
6 solicitation, by or on behalf of a registered charitable organization  
7 which is required to file financial reports pursuant to this article and  
8 has filed all such reports, shall include therein a statement that upon  
9 request, a person may obtain from the organization or from the charities  
10 registry on the attorney [~~general~~] general's website, a copy of the last  
11 financial report filed by the organization with the attorney general.  
12 Such statement shall specify the address of the organization and the  
13 address of the attorney general, to which such request should be  
14 addressed and in the case of a written solicitation, must be placed  
15 conspicuously in the material with print no smaller than ten point bold  
16 face type or, alternatively, no smaller than the size print used for the  
17 most number of words in the statements. Provided, however, such state-  
18 ment need not be made where the space for a printed advertisement or  
19 promotional time in any media has been donated or made available to the  
20 charitable organization at no cost and such space or time does not  
21 reasonably permit inclusion of such statement.

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

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1 2. Any solicitation used by or on behalf of any charitable organiza-  
2 tion shall [~~provide~~] include:

3 (a) a clear description of the programs and activities for which it  
4 has requested and has expended or will expend contributions or shall  
5 include therein a statement that, upon request, a person may obtain from  
6 the organization such a description; and

7 (b) a statement identifying the website and telephone number of the  
8 New York state office of the attorney general where an individual can  
9 receive information on charitable organizations.

10 (c) If the solicitation is by an institution subject to article five-A  
11 of the not-for-profit corporation law, and is for an endowment fund, the  
12 solicitation must include a statement that, unless otherwise restricted  
13 by the gift instrument pursuant to paragraph (b) of section five hundred  
14 fifty-three of the not-for-profit corporation law, the institution may  
15 expend so much of an endowment fund as it deems prudent after consider-  
16 ing the factors set forth in paragraph (a) of section five hundred  
17 fifty-three of the not-for-profit corporation law.

18 3. In addition to any other disclosure required by law, any solicita-  
19 tion by any means by a professional fund raiser or professional solici-  
20 tor on behalf of a charitable organization required to be registered  
21 pursuant to this article shall clearly and unambiguously disclose:

22 (a) the name of the professional fund raiser as on file with the  
23 attorney general and that the solicitation is being conducted by a  
24 professional fund raiser;

25 (b) the name of the individual professional solicitor as on file with  
26 the attorney general and that the individual is receiving compensation  
27 for conducting the solicitation; and

28 (c) a statement identifying the website and telephone number of the  
29 office of the attorney general where an individual can receive informa-  
30 tion on charitable organizations.

31 § 2. This act shall take effect on the ninetieth day after it shall  
32 have become a law and shall apply to all solicitation used by or on  
33 behalf of any charitable organization on and after such effective date.