

# STATE OF NEW YORK

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628

2017-2018 Regular Sessions

## IN SENATE

January 4, 2017

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Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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

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

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1 signed by an independent public accountant that the financial statement  
2 and balance sheet therein present fairly the financial operations and  
3 position of the organization. The attorney general may require the  
4 reporting of a contribution or grant from a government agency during the  
5 reporting period, including but not limited to foreign government enti-  
6 ties. A fee of twenty-five dollars payable to the attorney general shall  
7 accompany such financial report at the time of filing, provided however,  
8 that any such organization that is registered with the attorney general  
9 pursuant to article eight of the estates, powers and trusts law is  
10 required to file only one annual financial report which meets the filing  
11 requirements of this article and section 8-1.4 of the estates, powers  
12 and trusts law.

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

16 1. Every charitable organization registered or required to be regis-  
17 tered pursuant to section one hundred seventy-two of this article which  
18 shall receive in any fiscal year gross revenue and support in excess of  
19 seven hundred fifty thousand dollars shall file with the attorney gener-  
20 al an annual written financial report, on forms prescribed by the attor-  
21 ney general, on or before the fifteenth day of the fifth calendar month  
22 after the close of such fiscal year. The annual financial report shall  
23 be accompanied by an annual financial statement which includes an inde-  
24 pendent certified public accountant's audit report containing an opinion  
25 that the financial statements are presented fairly in all material  
26 respects and in conformity with generally accepted accounting princi-  
27 ples, including compliance with all pronouncements of the financial  
28 accounting standards board and the American Institute of Certified  
29 Public Accountants that establish accounting principles relevant to  
30 not-for-profit organizations. Such financial report shall include a  
31 statement of any changes in the information required to be contained in  
32 the registration form filed on behalf of such organization. The finan-  
33 cial report shall be signed by the president or other authorized officer  
34 and the chief fiscal officer of the organization who shall certify under  
35 penalties for perjury that the statements therein are true and correct  
36 to the best of their knowledge, and shall be accompanied by an opinion  
37 signed by an independent public accountant that the financial statement  
38 and balance sheet therein present fairly the financial operations and  
39 position of the organization. The attorney general may require the  
40 reporting of a contribution or grant from a government agency during the  
41 reporting period, including but not limited to foreign government enti-  
42 ties. A fee of twenty-five dollars payable to the attorney general shall  
43 accompany such financial report at the time of filing, provided however,  
44 that any such organization that is registered with the attorney general  
45 pursuant to article eight of the estates, powers and trusts law is  
46 required to file only one annual financial report which meets the filing  
47 requirements of this article and section 8-1.4 of the estates, powers  
48 and trusts law.

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

52 1. Every charitable organization registered or required to be regis-  
53 tered pursuant to section one hundred seventy-two of this article which  
54 shall receive in any fiscal year gross revenue and support in excess of  
55 one million dollars shall file with the attorney general an annual writ-  
56 ten financial report, on forms prescribed by the attorney general, on or

1 before the fifteenth day of the fifth calendar month after the close of  
2 such fiscal year. The annual financial report shall be accompanied by an  
3 annual financial statement which includes an independent certified  
4 public accountant's audit report containing an opinion that the finan-  
5 cial statements are presented fairly in all material respects and in  
6 conformity with generally accepted accounting principles, including  
7 compliance with all pronouncements of the financial accounting standards  
8 board and the American Institute of Certified Public Accountants that  
9 establish accounting principles relevant to not-for-profit organiza-  
10 tions. Such financial report shall include a statement of any changes in  
11 the information required to be contained in the registration form filed  
12 on behalf of such organization. The financial report shall be signed by  
13 the president or other authorized officer and the chief fiscal officer  
14 of the organization who shall certify under penalties for perjury that  
15 the statements therein are true and correct to the best of their know-  
16 ledge, and shall be accompanied by an opinion signed by an independent  
17 public accountant that the financial statement and balance sheet therein  
18 present fairly the financial operations and position of the organiza-  
19 tion. The attorney general may require the reporting of a contribution  
20 or grant from a government agency during the reporting period, including  
21 but not limited to foreign government entities. A fee of twenty-five  
22 dollars payable to the attorney general shall accompany such financial  
23 report at the time of filing, provided however, that any such organiza-  
24 tion that is registered with the attorney general pursuant to article  
25 eight of the estates, powers and trusts law is required to file only one  
26 annual financial report which meets the filing requirements of this  
27 article and section 8-1.4 of the estates, powers and trusts law.

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