

STATE OF NEW YORK

2688--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

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

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

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

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

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

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

22 3. In addition to any other disclosure required by law, any solici-
23 tation by any means by a professional fund raiser or professional solici-

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

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1 tor on behalf of a charitable organization required to be registered
2 pursuant to this article shall clearly and unambiguously disclose:

3 (a) the name of the professional fund raiser as on file with the
4 attorney general and that the solicitation is being conducted by a
5 professional fund raiser;

6 (b) the name of the individual professional solicitor as on file with
7 the attorney general [~~and that the individual is receiving compensation~~
8 ~~for conducting the solicitation~~]; and

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

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