

STATE OF NEW YORK

3213

2019-2020 Regular Sessions

IN SENATE

February 4, 2019

Introduced by Sen. COMRIE -- 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 requiring certain employees of charitable organizations to 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:

1 Section 1. Section 171-a of the executive law is amended by adding a
2 new subdivision 13 to read as follows:

3 13. "Acceptable course." Any classroom training or distance learning
4 course of instruction approved by the attorney general, in relation to
5 the law and ethics of fundraising and philanthropy in a manner that
6 shall include, but not be limited to, prohibited activities pursuant to
7 section one hundred seventy-two of this article, such as false state-
8 ments, fraudulent or illegal acts, false advertising, false sollicita-
9 tion, and illegal contracting. Universities and colleges statewide, and
10 professional trade associations that establish professional standards
11 and provide training and resources for individuals engaging in profes-
12 sional fundraising, may offer an acceptable course and shall provide
13 documentation of completion to those who complete the course.

14 § 2. Section 172 of the executive law is amended by adding a new
15 subdivision 4-a to read as follows:

16 4-a. Any charitable organization, including any charitable organiza-
17 tion required to be registered pursuant to article eight of the estates,
18 powers and trusts law, required to register pursuant to this section,
19 and seventy-five percent of whose employees are responsible for the
20 hiring, training, or supervision of employees engaged in the fundraising
21 activities of the organization, group association, partnership or corpo-
22 ration, shall require any individual or individuals under which it
23 intends to solicit contributions named in accordance with paragraph (a)
24 of subdivision one of this section to complete an acceptable course of

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

LBD06124-01-9

1 instruction in the law and ethics of fundraising approved by the attor-
2 ney general within twelve months of completing such registration and at
3 least once in any five-year period of registration thereafter. Such
4 individuals shall provide documentation of such completion at the
5 request of the attorney general. The attorney general shall monitor
6 compliance with such mandated training and reporting on an ongoing
7 basis.

8 § 3. Section 173 of the executive law is amended by adding a new
9 subdivision 1-a to read as follows:

10 1-a. Any professional fundraiser or fundraising counsel required to
11 register pursuant to this section, including an organization, group,
12 association, partnership, corporation, or any combination thereof
13 required to register pursuant to this section, and seventy-five percent
14 of whose employees are responsible for the hiring, training, or super-
15 vision of employees engaged in the fundraising activities of the organ-
16 ization, group association, partnership or corporation, shall require
17 any individual or individuals under which it intends to solicit contrib-
18 utions to complete an acceptable course of instruction in the law and
19 ethics of fundraising approved by the attorney general within twelve
20 months of completing such registration and at least once in any five-
21 year period of registration thereafter. Such individuals or entities
22 shall verify on their re-registration form that they have completed such
23 course and shall provide documentation of such completion at the request
24 of the attorney general. The attorney general shall monitor compliance
25 with such mandated training and reporting on an ongoing basis.

26 § 4. Section 173-b of the executive law is amended by adding a new
27 subdivision 1-a to read as follows:

28 1-a. Any professional fundraiser, professional solicitor, or fundrais-
29 ing counsel which is an organization, group, association, partnership,
30 corporation, or any combination thereof required to register pursuant to
31 this section, and seventy-five percent of whose employees are responsi-
32 ble for the hiring, training, or supervision of employees engaged in the
33 fundraising activities of the organization, group association, partner-
34 ship or corporation, shall require any individual or individuals under
35 which it intends to solicit contributions to complete an acceptable
36 course of instruction in the law and ethics of fundraising approved by
37 the attorney general within twelve months of completing such registra-
38 tion and at least once in any five-year period of registration thereaft-
39 er. The attorney general shall monitor compliance with such mandated
40 training and reporting on an ongoing basis.

41 § 5. This act shall take effect on the one hundred twentieth day after
42 it shall have become a law. Effective immediately, the addition, amend-
43 ment and/or repeal of any rule or regulation necessary for the implemen-
44 tation of this act on its effective date are authorized to be made and
45 completed on or before such effective date.