STATE OF NEW YORK

4996

2019-2020 Regular Sessions

IN ASSEMBLY

February 6, 2019

Introduced by M. of A. GALEF, JAFFEE, D'URSO, MONTESANO, FRIEND, SEAWRIGHT -- read once and referred to the Committee on Governmental Operations

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:

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

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

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

4-a. Any charitable organization, including any charitable organization required to be registered pursuant to article eight of the estates, powers and trusts law, required to register pursuant to this section, and seventy-five percent of whose employees are responsible for the hiring, training, or supervision of employees engaged in the fundraising activities of the organization, group association, partnership or corporation, shall require any individual or individuals under which it intends to solicit contributions named in accordance with paragraph (a)

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

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of subdivision one of this section to complete an acceptable course of instruction in the law and ethics of fundraising approved by the attorney general within twelve months of completing such registration and at least once in any five-year period of registration thereafter. Such individuals shall provide documentation of such completion at the request of the attorney general. The attorney general shall monitor compliance with such mandated training and reporting on an ongoing basis.

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

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

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

1-a. Any professional fundraiser, professional solicitor, or fundraising counsel which is an organization, group, association, partnership, corporation, or any combination thereof required to register pursuant to this section, and seventy-five percent of whose employees are responsible for the hiring, training, or supervision of employees engaged in the fundraising activities of the organization, group association, partnership or corporation, shall require any individual or individuals under which it intends to solicit contributions to complete an acceptable course of instruction in the law and ethics of fundraising approved by the attorney general within twelve months of completing such registration and at least once in any five-year period of registration thereafter. The attorney general shall monitor compliance with such mandated training and reporting on an ongoing basis.

§ 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.