

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2394

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 16-921, Arizona Revised Statutes, is amended to
3 read:

4 16-921. Unlawful contributions by corporations and labor
5 organizations from a fund; procedures; definitions

6 A. It is unlawful under any fund established by a corporation or labor
7 organization pursuant to section 16-920, subsection A, paragraph 3:

8 1. For such a fund to make a contribution or expenditure by utilizing
9 money or anything of value secured by physical force, job discrimination,
10 financial reprisals or the threat of force, job discrimination or financial
11 reprisal or by dues, fees or other monies required as a condition of
12 membership in a labor organization or as a condition of employment or by
13 monies obtained in any commercial transaction.

14 2. For any person soliciting an employee for a contribution to such a
15 fund to fail to inform such employee of the political purposes of such fund
16 at the time of such solicitation.

17 3. For any person soliciting an employee for a contribution to such a
18 fund to fail to inform such employee, at the time of such solicitation, of
19 his right to refuse to so contribute without any reprisal.

20 B. Except as provided in subsections C, D and E of this section it is
21 unlawful for a corporation, or a separate segregated fund established by a

1 corporation, to solicit contributions to such a fund from any person other
2 than its stockholders and their families and its executive or administrative
3 personnel and their families and for a labor organization, or a separate
4 segregated fund established by a labor organization, to solicit contributions
5 to such a fund from any person other than its members and their families.

6 C. A corporation or a separate segregated fund established by such
7 corporation may make no more than two written solicitations for contributions
8 during the calendar year from any employee who is not a stockholder or
9 executive or administrative personnel of such corporation or the families of
10 such persons. A solicitation under this subsection may be made only by mail
11 addressed to employees who are not stockholders or executive or
12 administrative personnel at their residence.

13 D. An insurer that is licensed in this state or a separate segregated
14 fund established by such insurer may make ~~no more than two~~ written
15 solicitations for contributions during the calendar year from persons who are
16 licensed insurance producers and with whom it has a contract to produce
17 insurance business, **AND THOSE PERSONS' FAMILIES**. Those solicitations are
18 lawful only if the insurance producer has an exclusive contract with the
19 insurer. This subsection does not change an insurance producer's status as
20 an independent contractor.

21 E. A labor organization or a separate segregated fund established by
22 such labor organization may make no more than two written solicitations for
23 contributions during the calendar year from any stockholder, executive or
24 administrative personnel or employee of a corporation who is not a union
25 member, or the families of such persons, if such labor organization

1 represents members working for such corporation. A solicitation under this
2 subsection may be made only by mail addressed to such stockholders, executive
3 or administrative personnel or employees who are not union members at their
4 residences.

5 F. This section shall not prevent a membership organization,
6 cooperative or corporation without capital stock, or a separate segregated
7 fund established by a membership organization, cooperative or corporation
8 without capital stock, from soliciting contributions to such a fund from
9 members of such organization, cooperative or corporation without capital
10 stock.

11 G. This section shall not prevent a trade association, or a separate
12 segregated fund established by a trade association, from soliciting
13 contributions from the stockholders and executive or administrative personnel
14 of the member corporations of such trade association and the families of such
15 stockholders or personnel.

16 H. Notwithstanding any provision of law to the contrary, any method of
17 soliciting voluntary contributions or of facilitating the making of voluntary
18 contributions to a separate segregated fund established by a corporation,
19 permitted by law to corporations with regard to stockholders and executive or
20 administrative personnel, shall also be permitted to labor organizations with
21 regard to their members.

22 I. Any corporation, including its subsidiaries, branches, divisions
23 and affiliates, that utilizes a method of soliciting voluntary contributions
24 or facilitating the making of voluntary contributions shall make available
25 such method, on written request and at a cost sufficient only to reimburse

1 the corporation for the expenses incurred thereby, to a labor organization
2 representing any members working for such corporation and its subsidiaries,
3 branches, divisions and affiliates.

4 J. For the purposes of this section:

5 1. "Exclusive contract" means either:

6 (a) An insurance producer's contract with an insurer that prohibits
7 the producer from soliciting insurance business for any other insurer.

8 (b) An insurance producer's contract with an insurer that requires a
9 first right of refusal on all lines of insurance business written by the
10 insurer and solicited by the producer.

11 2. "Executive or administrative personnel" means individuals who are
12 employed by a corporation and who are paid on a salary, rather than hourly,
13 basis and who have policymaking, managerial, professional or supervisory
14 responsibilities.

15 3. "Insurance producer" has the same meaning ~~as~~ prescribed in section
16 20-281."

17 Amend title to conform

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