

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 863

Short Title: Allow Employee to Solicit Donations/State PAC. (Public)

Sponsors: Representative Brawley (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Regulatory Reform.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW EMPLOYEES OF LOCAL DIVISIONS OF STATEWIDE
3 ORGANIZATIONS TO SOLICIT DONATIONS ON BEHALF OF THE STATEWIDE
4 POLITICAL ACTION COMMITTEE (PAC).

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 163-278.6 reads as rewritten:

7 "§ 163-278.6. Definitions.

8 When used in this Article:

9 ...

10 (12a) The term "local membership organization" means any entity that has all of
11 the following characteristics:

12 a. Is organized under the laws of Article 1 of Chapter 55A of the
13 General Statutes.

14 b. Does not have the purpose of generating business income.

15 c. Does not have shareholders or other persons who have an economic
16 interest in its assets and earnings.

17 d. Is a trade association.

18 e. In exchange for dues payments, offers memberships to persons who
19 are both:

20 1. Affiliated with a particular industry.

21 2. Located in a particular geographic subset of this State.

22 f. Whose members are all members of a state membership organization,
23 as that term is defined in this section.

24 g. Shares the same purposes of a State membership organization, as that
25 term is defined in this section.

26 ...

27 (17) The term "professional association" means any trade association, group,
28 organization, association, State membership organization, local membership
29 organization, or collection of persons or individuals formed for the purposes
30 of advancing, representing, improving, furthering or preserving the interests
31 of persons or individuals having a common vocation, profession, calling,
32 occupation, employment, or training.

33 ...

34 (18c) The term "state membership organization" means any entity that has all of
35 the following characteristics:



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- 1 a. Is organized under the laws of Article 1 of Chapter 55A of the
- 2 General Statutes.
- 3 b. Does not have the purpose of generating business income.
- 4 c. Does not have shareholders or other persons who have an economic
- 5 interest in its assets and earnings.
- 6 d. Is a trade association.
- 7 e. In exchange for dues payments, offers memberships to persons who
- 8 are both:
- 9 1. Affiliated with a particular industry.
- 10 2. Located in this State.

11 "

12 **SECTION 2.** G.S. 163-278.19(b) reads as rewritten:

13 "(b) It shall, however, be lawful for any corporation, business entity, labor union,
14 professional association or insurance company to communicate with its employees,
15 stockholders or members and their families on any subject; to conduct nonpartisan registration
16 and get-out-the-vote campaigns aimed at their employees, stockholders, or members and their
17 families; or for officials and employees of any corporation, insurance company or business
18 entity or the officials and members of any labor union or professional association to establish,
19 administer, contribute to, and to receive and solicit contributions to a separate segregated fund
20 to be utilized for political purposes, and those individuals shall be deemed to become and be a
21 political committee as that term is defined in G.S. 163-278.6(14) or a referendum committee as
22 defined in G.S. 163-278.6(18b); ~~provided, however, that~~ or for a local membership
23 organization and its members to administer, contribute to, and to receive and solicit
24 contributions to a separate segregated fund established by a State membership organization
25 with which the local membership organization is affiliated. However, it shall be unlawful for
26 any such fund to make a contribution or expenditure by utilizing contributions secured by
27 physical force, job discrimination, financial reprisals or the threat of force, job discrimination
28 or financial reprisals, or by dues, fees, or other moneys required as a condition of membership
29 or employment or as a requirement with respect to any terms or conditions of employment,
30 including, without limitation, hiring, firing, transferring, promoting, demoting, or granting
31 seniority or employment-related benefits of any kind, or by moneys obtained in any
32 commercial transaction whatsoever."

33 **SECTION 3.** This act is effective when it becomes law.