

Meeting Minutes
Fair Political Practices Commission
Law and Policy Committee Meeting
February 7, 2023
10:00 am

The Law and Policy Committee meeting was called to order at 10:02 a.m.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of November 8, 2022, minutes.**

MOTION: To approve November 8, 2022, Committee minutes. Moved by Commissioner Baker, seconded by Chair Miadich. The motion was approved 2-0.

- 3. Legislative Update.**

Lindsey Nakano, Senior Legislative Counsel, discussed current legislation and the status of FPPC legislative priorities.

Chair Miadich asked if AB 319 was keyed as a two-thirds vote. Ms. Nakano stated it was not.

Chair Miadich asked what penalties under the PRA would be triggered by SB 248. Ms. Nakano stated there is no specification, so the default would be \$5,000 per count. Chair Miadich asked if this violation was for failure to file or a challenge to a form being fraudulent. Ms. Nakano stated her belief is both since the form would be filed under penalty and perjury the filer is liable for incorrect statements.

Commissioner Baker asked what the legal standard would be to determine if the statement is fraudulent, accurate, or what the intent is on the form imposed by SB 248. She further asked who the responsibility for investigating these accusations would be. Ms. Nakano stated she does not have the answers to those questions but would report back with what she finds.

Chair Miadich asked what the effective date of SB 251 would be, specifying the cause it could have on individuals who are currently working in these positions. Ms. Nakano stated there is not an answer at this time, but it is something that could be worked on with the author's office. Chair Miadich then asked what the remedy would be for this violation. Ms. Nakano stated it would be the

default penalties under the PRA. Chair Miadich clarified that means a monetary fine. He further asked if it was a one time fine or if it would be imposed every month. Ms. Nakano stated those questions are not answered by the bill at this time but something to bring up with the authors office. Chair Miadich asked for a report in the future on if this bill is related to the laws on incompatible offices and if it changes those laws.

Commissioner Baker asked if the intent of the author is to only include employees who are paid, both salary and per diem, or does it include volunteers.

Chair Miadich asked Ms. Nakano to take note of things the Commission discusses or questions about this bill that are not clear for future discussion.

Chair Miadich asked what the timeframe on the research regarding file by proxy is in order to decide whether this legislative idea is still viable. Dave Bainbridge, General Counsel, discussed the current input received and is hopeful for a clearer answer in the next couple of days.

Commissioner Baker expressed her interest in Ms. Nakano looking for bipartisan authors on bills as the process moves forward.

4. Discussion of items for March 2023 Committee meeting.

Chair Miadich stated there would be a legislative update and the Legal Division anticipates holding an interested persons discussion for regulations surrounding 84308.

MOTION: To adjourn the meeting. Moved by Commissioner Baker, seconded by Chair Miadich. The motion was approved 2-0.

The meeting adjourned at 10:22 a.m.