

Meeting Minutes
Fair Political Practices Commission
Law and Policy Committee Meeting
April 17, 2024
10:00 am

The Law and Policy Committee meeting was called to order at 10:33 a.m.

Chair Silver opened the meeting by thanking the Governor for the appointment of Chair of the Fair Political Practices Commission and thanked staff for the great work building a foundation to work from. Commissioner Baker welcomed Chair Silver.

- 1. Public Comment for items not on the agenda.**
- 2. Approval of March 2024 minutes.**

MOTION: To approve March 2024 Committee minutes. Moved by Commissioner Baker, seconded by Chair Silver. The motion was approved 2-0.

- 3. Legislative Update.**

Lindsey Nakano, Senior FPPC Legislative Counsel, presented her report on legislation, mentioning there are 21 FPPC related bills.

Commissioner Baker asked if Senator Nguyen and Senator Newman expressed any questions or concerns when not voting for SB 1404. Ms. Nakano stated Senator Newman was swayed by the arguments of IGA relating to keeping the audit workload with FTB. Commissioner Baker asked if it was a bipartisan vote. Ms. Nakano said she would check on that.

Chair Silver stated that he watched the Oversight Hearing that the Elections Committee held and the recent Elections Committee Hearing on SB 1404 and stated it is unacceptable that the State is not complying with this requirement. Chair Silver further discussed how public officials rely on the lobbying reports in order to accurately fill out their Form 700s and the public looks to the lobbying reports to confirm officials are accurately reporting.

Commissioner Baker suggested, as the language evolves for AB 2803, Ms. Nakano makes sure the language doesn't inadvertently narrow current law and wanted to make sure the definition of fellows doesn't exclude interns from Cal State and the University of California.

Regarding SB 1170, Chair Silver asked if there was any legislative history behind explicitly prohibiting campaign funds for medical expenses. Ms. Nakano responded our Executive Researcher went on a deep dive, but his findings were not in front of her so she will bring it to the Commission meeting.

Commissioner Baker commented on SB 1422 and the one-third reimbursement amount when travelling as a speaker to a non-profit. Ms. Nakano replied there is a spending threshold that the non-profit would have to reach before they must disclose. Chair Silver commented that he believes it's extremely important that this information is disclosed and is concerned with the practicalities and the pit falls that might happen when changing laws and would love to get a better understanding of the mechanics of the bill. Commissioner Baker discussed how the reporting system is already in place that had thresholds that allowed for less transparency.

Chair Silver asked Ms. Nakano to discuss the differences between the McKinnor bill and the Dodd bill and current law regarding Section 84308. Ms. Nakano clarified that the McKinnor bill is to raise the contribution threshold from \$250 to \$1,500. The Dodd bill would narrow the law in multiple ways: the first way is the bill would provide that a person is not a participant if their financial interest in the decision results solely from an increase or decrease in membership dues. Second, the bill would change the prohibited contribution date range. Under existing law, the date range is "while a proceeding is pending and for 12 months after the final decision is rendered." The bill would change it to nine months before and nine months after the final decision is rendered which means that potentially a person could contribute while a proceeding is pending if it's outside of that nine month window. Third, the bill also changes the contribution

threshold from \$250 to \$1,000 and there is a cure period in existing law that allows 14 days to cure contributions and that would change to 30 days. Chair Silver asked if there is a reason behind the thousand-dollar figure. Ms. Nakano replied that she will ask the author's office for more information.

Chair Silver and Commissioner Baker disclosed ex parte communications with Senator Glazer. Commissioner Baker discussed some of the bill changes to current law and how the values should be equal to other values within the PRA so that this law is not the only place with a specific monetary limit or cure period. Commissioner Baker also asked who benefits from the change in participant language. Ms. Nakano will reach out to the author's office to ask what their intent was. Chair Silver agreed with Commissioner Baker's threshold comments.

Commissioner Baker asked how the Low bill would affect the internal Enforcement Directives. Ms. Nakano stated the bill is significantly more restrictive than the Enforcement Directives since the Directives are goals and there is discretion for the Enforcement Chief to allow more time. The bill would have a very strict timeline for all cases and there is a concern among staff on how this would limit the Enforcement Division doing their work.

4. Discussion of items for the next Committee meeting.

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

The meeting adjourned at 11:16 a.m.