

## **BILL ANALYSIS**

S.B. 869  
By: Birdwell  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 2019, the 86th Legislature enacted legislation that directed the Texas Ethics Commission (TEC) to either dismiss a sworn complaint or propose a resolution for the complaint within a 120-day period unless the complaint proceeds to litigation. However, the bill sponsor has informed the committee that the TEC adopted a rule without explicit authority, which provides that the 120-day deadline is tolled on the application for the issuance of a subpoena and resets on the date the TEC rejects the application, the date the person to whom the subpoena is directed complies with the subpoena, or the date the TEC receives a final ruling on a person's failure or refusal to comply with a subpoena that is reported to a district court. S.B. 869 seeks to clarify that, during a preliminary review of a sworn complaint, the TEC must either dismiss the complaint or propose a resolution for the complaint within the 120-day period without tolling unless litigation is brought by the respondent or the TEC regarding the complaint.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 869 amends the Government Code to prohibit the Texas Ethics Commission (TEC), notwithstanding any other law, including statutory provisions governing the TEC with respect to sworn complaints relating to procedures for preliminary reviews and the extension of deadlines for certain actions, from doing the following:

- tolling or extending the deadline by which the TEC must either dismiss a sworn complaint or propose an agreement to the respondent to settle the complaint without holding a preliminary hearing for a duration other than the duration of any litigation brought by the respondent or the TEC regarding the complaint at issue; or
- adopting or enforcing a rule to toll or extend that deadline for a duration other than the duration of any litigation brought by the respondent or the TEC regarding the complaint at issue.

The bill applies only to a complaint filed with the TEC under state law governing that agency on or after the bill's effective date. A complaint filed with the TEC before the bill's effective date is governed by the law in effect on the date the complaint was filed, and the former law is continued in effect for that purpose.

**EFFECTIVE DATE**

September 1, 2025.