

BILL ANALYSIS

S.B. 2782
By: Birdwell
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the Texas Ethics Commission (TEC) is required to propose a resolution to or dismiss a sworn complaint filed with the TEC within 120 days of the complaint reaching the preliminary review stage. This clock starts when the TEC receives the respondent's response to either a notice of the complaint or to a discovery request for information relevant to the complaint. The bill sponsor has informed the committee, however, that the TEC currently does not set a limit on the number of questions the agency may ask as part of such a request or on the total number of discovery requests it can issue, which can lead to multiple rounds of discovery that can cost a respondent thousands of dollars in attorneys' fees and effectively keep a case from being resolved or moving forward. The bill sponsor has also informed the committee that this structure differs from other state agencies' discovery procedures, some of which limit the number of written questions an agency may submit or require an agency to use the Texas Rules of Civil Procedure to define the scope of discovery and set deadlines for periods in which discovery must be completed.

S.B. 2782 addresses these issues by requiring the TEC to develop rules requiring TEC staff and a respondent to agree to a discovery control plan as part of the review process of a sworn complaint and by setting out certain plan requirements.

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 rulemaking authority is expressly granted to the Texas Ethics Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 2782 amends the Government Code to require the Texas Ethics Commission (TEC) by rule to require TEC staff and a respondent against whom a sworn complaint is filed under provisions related to TEC complaint procedures and hearings to agree to a discovery control plan that outlines procedures for conducting discovery in connection with the complaint. The bill requires the discovery control plan to meet the following conditions:

- be approved by the TEC before discovery begins;
- comply with the Texas Rules of Civil Procedure, except that the TEC must determine the level of discovery under Rule 190 of those rules appropriate for the category of the violation alleged in a complaint;
- establish discovery limits and a deadline by which discovery must be completed; and
- establish a deadline by which the TEC must propose an agreement to the respondent to settle the complaint without holding a preliminary hearing or dismiss the complaint.

EFFECTIVE DATE

September 1, 2025.