

BILL ANALYSIS

Senate Research Center
89R17005 MZM-F

S.B. 2782
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current statute, the Texas Ethics Commission (TEC) is required to propose a resolution or dismiss a resolution within 120 days once a complaint reaches the preliminary review stage. This clock starts when TEC receives a respondent's answer to either a notice of the complaint or to a discovery request, which may consist of requests for documentation or written questions the agency asks that are reasonably intended to lead to the discovery of matters relevant to its investigation. However, TEC sets no limit on the number of questions the agency can ask or the total number of discovery requests it can issue. Multiple rounds of discovery can cost a respondent thousands of dollars in attorneys' fees and effectively keep the case from being resolved or moving forward in the process.

Furthermore, TEC's procedures are atypical compared to other state agencies. For example, some agencies set limits on discovery such as the Texas Commission on Environmental Quality's (TCEQ) rules that limit the number of written questions issued to 25. Additionally, state agencies—including TCEQ, the Railroad Commission of Texas, and the Employees Retirement System of Texas—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 would require TEC to develop rules requiring agency staff and the respondent to agree to a discovery control plan as part of the sworn complaint process, outlining a finite time period during which all discovery should be completed and setting appropriate limits on the amount of discovery necessary for a particular case. The bill would also require the TEC to align its discovery rules to comply with the Texas Rules of Civil Procedure in order to ensure the agency investigates and resolves complaints in a timely manner.

As proposed, S.B. 2782 amends current law relating to discovery requirements related to sworn complaints made to the Texas Ethics Commission.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Ethics Commission in SECTION 1 (Section 571.1242, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 571.1242, Government Code, by adding Subsection (k), as follows:

(k) Requires the Texas Ethics Commission (TEC) by rule, notwithstanding any other law, to require TEC staff and a respondent to agree to a discovery control plan that outlines procedures for conducting discovery under this section in connection with a sworn complaint. Requires that the discovery control plan be approved by TEC before discovery begins, comply with the Texas Rules of Civil Procedure, except that TEC is required to determine the level of discovery under Rule 190, Texas Rules of Civil Procedure, appropriate for the category of the violation alleged in a complaint, establish discovery limits and a deadline by which discovery is required to be completed, and establish a deadline by which TEC is required to propose an agreement to the respondent to settle the complaint without holding a preliminary hearing or dismiss the complaint.

SECTION 2. Effective date: September 1, 2025.