

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 2, 2003

TO: Honorable Joe Nixon, Chair, House Committee on Civil Practices

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB2182 by Bohac (Relating to common and public nuisances and the creation of and allocation of money from a nuisance abatement fund.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would add to the definition of "common and public nuisances" the act of public lewdness as described by Section 21.07, Penal Code, and indecent exposure as described by Section 21.08, Penal Code.

If a condition of a bond filed or an injunctive order entered is violated, the district, county, or city attorney of the county in which the property where the nuisance exists, or the attorney general may sue on the bond in the name of the state. If the attorney general files the suit, the whole sum shall be forfeited as a penalty to the state. If the suit is originated at the local level, the whole sum shall be forfeited as a penalty to the originating entity and deposited into that entity's nuisance abatement fund.

The bill would require municipalities and counties to establish a nuisance abatement fund to be used only for the purpose of ongoing nuisance abatement activities, including regular and overtime compensation for enforcement personnel and hiring additional personnel for nuisance abatement enforcement. The fund would consist of money awarded to the political subdivision in actions, settlements to an action, and fines resulting from enforcing nuisance abatement laws.

The bill would take effect September 1, 2003 and apply to an action that accrues or conduct that occurs on or after that date.

The Office of Attorney General estimates that any additional workload as a result of implementation of the provisions of the bill could be absorbed using existing resources.

Several county auditors and city finance officers were contacted regarding the fiscal impact of the provisions of the bill. It is anticipated that money within the nuisance abatement fund would generally offset the costs of enforcement; however, the amount of money available in the fund will vary dependent on the number of public nuisance suits originated by the political subdivision and the number of those suits that would result in a bond forfeiture, as well as the amount of fines and other fees collected as a result of enforcement actions. Harris County indicated there would also be some initial administrative costs involved in setting up a separate account for the revenue generated from enforcing nuisance abatement laws. All of the respondents indicated the fiscal impact would be insignificant.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: JK, GO, DLBa