LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

May 5, 2003

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

FROM: John Keel, Director, Legislative Budget Board

IN RE: **SB1010** by West (Relating to public and common nuisances; providing a penalty.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code regarding a public and common nuisance, including making minor changes in the process for filing a suit to enjoin and abate a common nuisance, ordering a defendant in a nuisance abatement suit to execute a bond, collection of a forfeited bond by whichever governmental entity originated the suit, and classifying as a public nuisance gang activity as defined in the bill.

The bill would also authorize a municipality with a population of 1.5 million or more to create a fund as a separate account in the municipal treasury to be used only for the purpose of ongoing nuisance abatement. The fund would consist of money awarded the municipality in actions, settlements, fines, and forfeited bonds from nuisance cases, and from donations or grants made specifically for nuisance abatement.

The bill would take effect September 1, 2003 and would apply only to a cause of action that accrues on or after that date.

The Office of Attorney General estimate that costs associated with increased caseloads that may result from implementation of the bill could be absorbed using existing resources.

It is anticipated that units of local government would also be able to absorb costs of enforcement within existing resources. Based on the population bracket, the only local government unit that would be authorized to create a nuisance abatement fund would be the City of Houston.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General
LBB Staff:
JK, GO, DLBa