

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 15, 2005

TO: Honorable Ray Allen, Chair, House Committee on County Affairs

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1287 by Leibowitz (Relating to county abatement of a public nuisance.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 343, Health and Safety Code, to expand a county's authority to address certain nuisance conditions and to recover costs associated with nuisance abatement. The bill would authorize a county to file a lawsuit to prohibit or control access to a violator's premises to prevent continued or future violations regarding accumulating and discarding refuse. However, under the bill, a court may grant relief only if a county demonstrates that the nuisance creator has not responded sufficiently to prior attempts to abate the nuisance. In addition, if the cost to abate the nuisance exceeds the assessed property value, then the bill would make a county eligible for cost recovery from any state program for cleanup or remediation of private property, including any accounts or funds to dispose of solid waste under Chapters 361(Solid Waste Disposal) and 364 (County Solid Waste).

The bill will take effect September 1, 2005.

The fiscal impact to the Texas Commission on Environmental Quality would depend on the number of counties that would be eligible for cleanup and remediation funds as a result of a public nuisance involving abatement and cleanup efforts exceeding the assessed property value, and the level of funding needed. Otherwise, the fiscal impact for implementing required rulemaking and procedural changes could be absorbed within the agency's existing resources.

Local Government Impact

The fiscal benefit to a county would depend on the level of abatement and cleanup for which funding would be required.

Source Agencies: 537 Department of State Health Services, 582 Commission on Environmental Quality

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