

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 17, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2631 by Dutton (Relating to the remedies available to a person to abate a public nuisance in a municipality.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to authorize residents of a municipality to petition that municipality to file suit to take remedial action against an alleged public nuisance. Specifies the procedures and requirements for the gathering, filing, and assessment of the petition. Upon determination by a court under certain specified conditions that the alleged nuisance is a public nuisance and a threat to the public health or residents of the municipality the bill specifies certain actions that the municipality may take. Requires that a municipal action involving an acquisition of property requires a court finding that this acquisition serve a public purpose of the municipality.

The bill would take effect September 1, 2017.

Local Government Impact

According to the Texas Municipal League, the bill could result in a significant cost to a city if it received numerous requests to abate a nuisance. The city would incur expenses related to litigation.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, LBO, GG, GP