

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 2, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2144 by Harris (Relating to the tort of public nuisance.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to provide that a person may be held liable for a public nuisance (as defined) only if the person causes an unlawful condition (as defined) and controls that unlawful condition at the time the condition violates an established public right (as defined). The bill would provide definitions and limit what conditions are not considered unlawful conditions for purposes of a public nuisance action. The bill would provide that only the state or a political subdivision of the state may bring a public nuisance action and may do so only by a government attorney of the relevant jurisdiction where the state or political subdivision has substantial ownership interest in or authority over real property or a waterway or related ancillary space to which the public nuisance relates.

The bill would clarify that a financial expenditure related to the remediation, abatement, or injunction of an unlawful condition does not constitute an injury sufficient to confer standing.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, BH