

BILL ANALYSIS

Senate Research Center

H.C.R. 132
By: Luna (Hinojosa)
Natural Resources
5/18/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The John G. and Marie Stella Kenedy Memorial Foundation alleges that: on April 23, 2003, the 200th District Court of Travis County, Texas, Cause Number 93-05265, ruled in a title and boundary dispute that the John G. and Marie Stella Kenedy Memorial Foundation was the owner in fee simple of the disputed property; the judgment permanently enjoins the General Land Office from trespassing and exercising possession, dominion, and control over the property and from leasing any portion of the property for the exploration and development of oil, gas, and other minerals, or any surface use of the property; before the judgment, the General Land Office and the School Land Board leased the surface and subsurface estate of the property and enjoyed the benefits of ownership, including the receipt of payments for leasing the property, meanwhile depleting the subsurface minerals and devaluing the surface and subsurface estate; the John G. and Marie Stella Kenedy Memorial Foundation seeks recovery of damages, including but not limited to the diminution of property value and loss of revenue from the leasing of the surface and subsurface estate, such as royalties, bonuses, delay rentals, seismic permit fees, pipeline easement payments, and other payments.

RESOLVED

That the John G. and Marie Stella Kenedy Memorial Foundation (foundation) is granted permission to sue the State of Texas, the General Land Office, the School Land Board, and Jerry Patterson, currently the commissioner of the General Land Office and the chairman of the School Land Board, for the recovery of damages arising from the use, appropriation, invasion, taking, and interference with enjoyment and use of the foundation's property, subject to Chapter 107 (Permission to Sue the State), Civil Practice and Remedies Code.

That the aggregate of all amounts awarded in the suit authorized by this resolution, including damages, court costs, attorney's fees, and prejudgment interest awarded under law, may not exceed \$6,500,000, the plaintiff may not plead relief in excess of that amount in the suit authorized by this resolution, and this is the total aggregate amount that may be recovered by the plaintiff named in this resolution with respect to any and all causes of action that relate to or arise from the facts and circumstances described in this resolution.

That the payment of any amount awarded in a suit authorized by this resolution is contingent on appropriations for that purpose.

That the commissioner of the General Land Office and chairman of the School Land Board, both offices currently being held by Jerry Patterson, be served process as provided by Section 107.002(a)(3), Civil Practice and Remedies Code.