

1-1 By: Luna (Senate Sponsor - Hinojosa) H.C.R. No. 132
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 20, 2005, sent to printer.)

1-6 HOUSE CONCURRENT RESOLUTION

1-7 WHEREAS, The John G. and Marie Stella Kenedy Memorial
1-8 Foundation alleges that:

1-9 (1) on April 23, 2003, the 200th District Court of
1-10 Travis County, Texas, Cause Number 93-05265, ruled in a title and
1-11 boundary dispute that the John G. and Marie Stella Kenedy Memorial
1-12 Foundation was the owner in fee simple of the disputed property;

1-13 (2) the judgment permanently enjoins the General Land
1-14 Office from trespassing and exercising possession, dominion, and
1-15 control over the property and from leasing any portion of the
1-16 property for the exploration and development of oil, gas, and other
1-17 minerals, or any surface use of the property;

1-18 (3) before the judgment, the General Land Office and
1-19 the School Land Board leased the surface and subsurface estate of
1-20 the property and enjoyed the benefits of ownership, including the
1-21 receipt of payments for leasing the property, meanwhile depleting
1-22 the subsurface minerals and devaluing the surface and subsurface
1-23 estate;

1-24 (4) the John G. and Marie Stella Kenedy Memorial
1-25 Foundation seeks recovery of damages, including but not limited to
1-26 the diminution of property value and loss of revenue from the
1-27 leasing of the surface and subsurface estate, such as royalties,
1-28 bonuses, delay rentals, seismic permit fees, pipeline easement
1-29 payments, and other payments; now, therefore, be it

1-30 RESOLVED by the Legislature of the State of Texas, That the
1-31 John G. and Marie Stella Kenedy Memorial Foundation is granted
1-32 permission to sue the State of Texas, the General Land Office, the
1-33 School Land Board, and Jerry Patterson, currently the commissioner
1-34 of the General Land Office and the chairman of the School Land
1-35 Board, for the recovery of damages arising from the use,
1-36 appropriation, invasion, taking, and interference with enjoyment
1-37 and use of the foundation's property, subject to Chapter 107, Civil
1-38 Practice and Remedies Code; and, be it further

1-39 RESOLVED, That the aggregate of all amounts awarded in the
1-40 suit authorized by this resolution, including damages, court costs,
1-41 attorney's fees, and prejudgment interest awarded under law, may
1-42 not exceed \$6,500,000, the plaintiff may not plead relief in excess
1-43 of that amount in the suit authorized by this resolution, and this
1-44 is the total aggregate amount that may be recovered by the plaintiff
1-45 named in this resolution with respect to any and all causes of
1-46 action that relate to or arise from the facts and circumstances
1-47 described in this resolution; and, be it further

1-48 RESOLVED, That the payment of any amount awarded in a suit
1-49 authorized by this resolution is contingent on appropriations for
1-50 that purpose; and, be it further

1-51 RESOLVED, That the commissioner of the General Land Office
1-52 and chairman of the School Land Board, both offices currently being
1-53 held by Jerry Patterson, be served process as provided by Section
1-54 107.002(a)(3), Civil Practice and Remedies Code.

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