

BILL ANALYSIS

Senate Research Center
77R5961 DAK-D

S.J.R. 31
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Education
4/23/2001
As Filed

DIGEST AND PURPOSE

Currently, the families and victims of the Texas A&M bonfire tragedy are precluded, due to provisions in the Texas Constitution, from seeking legal action against the university or the university system. As proposed, S.J.R. 31 proposes a constitutional amendment to the Texas Constitution adding a temporary provision to allow a person who would have been entitled to bring action for damages for bodily injury or death sustained as a result of the Texas A&M bonfire tragedy to bring action against the state or unit of state government in the same manner that the person may bring an action against a private person.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. TEMPORARY PROVISION; TEXAS A&M BONFIRE TRAGEDY. (a) Authorizes any person who would have been entitled to bring an action for damages for bodily injury or death sustained as a result of the Texas A&M bonfire tragedy that occurred on November 18, 1999, except for the doctrine of sovereign immunity from suit as it existed before enactment of this amendment, to bring the action, without regard to the doctrine, against the state or a unit of state government in the same manner that the person is authorized to bring an action against a private person. Provides that subject to Subsection (b) of this section and to the limits of liability the legislature has enacted for tort suits against the state or a unit of state government, the state or a unit of state government is liable for damages in the same manner that a private person is liable.

(b) Requires the action described by Subsection (a) of this section to be filed not later than November 18, 2002.

(c) Provides that this section expires December 31, 2007.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 6, 2001. Requires the ballot to be printed to permit voting for or against the proposition: "The constitutional amendment waiving sovereign immunity for damages for bodily injury and death sustained as a result of the Texas A&M bonfire tragedy."