

Notes of Decisions

Immunity 1

official capacities by tenured professor for defa-  
mation, tortious interference with beneficial re-  
lations and tortious interference with contract;  
university's medical branch was arm of state,  
and there was no showing that state had con-  
sented to professor's suit. *Bessman v. Powell*,  
S.D.Tex.1998, 991 F.Supp. 830, affirmed in part  
189 F.3d 469.

1. Immunity

Under Texas law, doctrine of governmental  
immunity barred claims brought against offi-  
cials of university's medical branch in their

§ 74.002. Jennie Sealy Hospital; R. Waverly Smith Pavilion

(a) The Jennie Sealy Hospital and the R. Waverly Smith Pavilion shall be  
operated by the medical branch as integral parts of its hospital operations.

(b) Title to those facilities shall remain in the name of the Sealy-Smith  
Foundation; and the property may be leased to, but shall not be sold to, the  
medical branch or to The University of Texas System. The Board of Regents of  
The University of Texas System has the sole authority to execute such lease or  
leases with the Sealy-Smith Foundation relating to the Jennie Sealy Hospital  
and the R. Waverly Smith Pavilion under such terms and conditions as the  
board considers to be in the best interests of the medical branch.

(c) Except as otherwise provided in this section, the land on which Jennie  
Sealy Hospital is situated (Lots 11, 12, 13, and 14, Block 667, city of Galveston,  
Galveston County, Texas, conveyed to the Sealy-Smith Foundation by the board  
of regents) shall be used as the site of the Jennie Sealy Hospital, and in the  
event the land is not so utilized the title reverts to the board of regents.

(d) By agreement between the board of regents of The University of Texas  
System and the trustees of the Sealy-Smith Foundation, the purpose or use of  
these facilities may be changed to any other purpose or use consistent with the  
purposes of the foundation and with the operation of a medical school.

Acts 1971, 62nd Leg., p. 3178, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971. Amended by Acts  
1979, 66th Leg., p. 665, ch. 293, §§ 1 to 3, eff. Sept. 1, 1979.

Historical and Statutory Notes

Prior Laws:

Acts 1957, 55th Leg., p. 549, ch. 257, §§ 1 to  
7.

Vernon's Ann.Civ.St. art. 2603h, §§ 1 to 7.

Library References

Hospitals ⇨2.  
Westlaw Topic No. 204.  
C.J.S. Hospitals §§ 6, 8.

§ 74.003. Land Acquisition

The board may acquire by donation or deed of gift, for the use and benefit of  
the medical branch, any and all properties contiguous or adjacent, or both, to  
the campus of the medical branch when the lands are deemed necessary for  
campus expansion.

Acts 1971, 62nd Leg., p. 3179, ch. 1024, art. 1, § 1, eff. Sept. 1, 1971.