

1-1 By: Wentworth, et al. S.C.R. No. 14  
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Jurisprudence;  
1-4 April 14, 2005, reported favorably by the following vote: Yeas 4,  
1-5 Nays 0; April 14, 2005, sent to printer.)

1-6 SENATE CONCURRENT RESOLUTION

1-7 WHEREAS, Annabelle Whiting, John Whiting, Erica De La  
1-8 Garza, Victoria Cruz, Margaret Whiting, Joan Breezy Speer,  
1-9 Harriet Whitworth, Patricia Harrison, Michael Murphy, Joe Noah,  
1-10 Susan Newman, Samuel Whitworth, Barbara Erwin, Sidney Brown,  
1-11 Veronica Lopez, Irma Young, Helen Robinson, Robert Thomas, Ruth  
1-12 Ahmed, Johnna J. Higginbotham, Ted Breezy, Kathleen Hagan, Theresa  
1-13 Carrig, Robert Bland, Michael Robert Bland, Patrick Boux Bland,  
1-14 Robert Dallas Bland, Mary Hargraves, Debbie Zambardino, Richard  
1-15 Billescas, John and Priscilla Ogden, Thomas K. Erwin, Joann L.  
1-16 Cooper, Paul Hargrave, Charles H. McBride, Belia V. Zamora, Yolanda  
1-17 B. Garcia, Billy G. Odom, Tamara L. Odom, B. Alan Odom, Lisa Odom,  
1-18 David P. Odom, Sandra Kohlenberg, Tana Everett, Jack W. Pryor, Jr.,  
1-19 Tina Vaughn, Kevin Tippie, Gary B. Black, Elvia A. Sykes, LeAnna  
1-20 Lankford, Emile Erwin Herbert, Henry Blake Erwin, Kathy McCaslin,  
1-21 Mike McBride, Cathy Taylor, Barbara Barker Barnes, Tricia Deland,  
1-22 James Saylor, Tim Kennedy, Catherine Lee, Diana Hodges, Hayden  
1-23 Hodges, Alden Hodges, Carolyn J. Wallace, Leslie Diane Hogan, David  
1-24 W. Hogan, Donald A. Hogan, Clifford E. Hogan, Joel Alston, Pamela  
1-25 Bean, Jill Scoggins, Michael Brockway, Emory Brockway, Betty Brown,  
1-26 Lori Kubek, Richard Kubek, Leroy Cady, Gene Cady, Wallace Cady,  
1-27 Christopher Chatelain, Davette Pickard, H. Dean Clark, Yola Clark,  
1-28 Willia Jayne Clark, Cherri Pellerin, Myra C. Goodman, William  
1-29 Greer, Susan Boatright, Shawn Melton, Tracy Andrew, Martha A.  
1-30 Harris, Leslie Koester, Joyce Sanches, Ethel Kimmons, Joanne K.  
1-31 Hemme, Jean Butts, Francis Matthews Henry, John McHugh, Susan  
1-32 McHugh, Heather Keithley, Sue McKnight, Amy McKnight, Phyllis  
1-33 Eckerson, James Nelson, Chris Philips, Helen Ruth Pradarits, Robin  
1-34 Ann Pradarits, Ruthelyn Mikeska, Mary-Beth Aleshire, Melanie Jaye  
1-35 Russell, Patricia Aden, Pamela Sturiano, Joseph Pradarits, Keith  
1-36 Pradarits, Hilda Rodefeld, Sherri Sonntag-Rodefeld, Louis Shields,  
1-37 Sandra Clemons, David Stutzman, Joe Stutzman, Linda DeLeon, Tyra  
1-38 Yesh Ochoa, and Marie Yates Taylor allege that:

1-39 (1) The University of Texas Medical Branch at Galveston  
1-40 administered a Willed Body Program that was overseen by the  
1-41 Anatomical Board of the State of Texas;

1-42 (2) an individual may will his or her own body to be used by  
1-43 medical students and scientific researchers for the advancement of  
1-44 medical science as provided by Subsection (a), Section 691.028,  
1-45 Health and Safety Code;

1-46 (3) according to applicable rules, after a body that has  
1-47 been willed or donated to The University of Texas Medical Branch at  
1-48 Galveston is used for medical science, the cremated remains of that  
1-49 body must be returned to a designated family member, if return of  
1-50 the remains was requested in advance, as provided by 25 T.A.C.  
1-51 Section 479.4;

1-52 (4) the individuals named in this resolution are family  
1-53 members of individuals whose remains were willed to The University  
1-54 of Texas Medical Branch at Galveston's Willed Body Program;

1-55 (5) in the spring of 2002, The University of Texas Medical  
1-56 Branch at Galveston learned that one or more of its employees  
1-57 mishandled bodies willed or donated to The University of Texas  
1-58 Medical Branch at Galveston and commingled the ashes of bodies,  
1-59 making it impossible to determine which ashes should be returned to  
1-60 designated family members;

1-61 (6) in addition, one or more employees of The University of  
1-62 Texas Medical Branch at Galveston's Willed Body Program transferred  
1-63 or sold willed or donated bodies or parts of bodies to out-of-state  
1-64 recipients and failed to request that the recipients or buyers of

2-1 the bodies return the ashes to The University of Texas Medical  
 2-2 Branch at Galveston for return to the families who had requested  
 2-3 their loved ones' ashes;

2-4 (7) The University of Texas Medical Branch at Galveston  
 2-5 admitted that its "failure of oversight . . . caused pain to the  
 2-6 relatives of those to whom [it] owe[s] such a special debt of  
 2-7 gratitude" and that The University of Texas Medical Branch at  
 2-8 Galveston may have compromised the trust of the families of those  
 2-9 who donated their bodies to The University of Texas Medical Branch  
 2-10 at Galveston's Willed Body Program;

2-11 (8) the individuals named in this resolution and their  
 2-12 families have been greatly distressed and anguished by The  
 2-13 University of Texas Medical Branch at Galveston's failure to return  
 2-14 the ashes of their family members who willed or donated bodies to  
 2-15 The University of Texas Medical Branch at Galveston's Willed Body  
 2-16 Program and are entitled to recover damages; and

2-17 (9) the individuals named in this resolution have filed  
 2-18 several lawsuits against The University of Texas Medical Branch at  
 2-19 Galveston and the Anatomical Board of the State of Texas regarding  
 2-20 the Willed Body Program, but all claims against The University of  
 2-21 Texas Medical Branch at Galveston, the Anatomical Board of the  
 2-22 State of Texas, and other entities or employees of the State of  
 2-23 Texas have been or likely will be dismissed on grounds that the  
 2-24 State of Texas and agencies of the State of Texas enjoy sovereign  
 2-25 immunity from these claims; now, therefore, be it

2-26 RESOLVED by the Legislature of the State of Texas, That  
 2-27 Annabelle Whiting, John Whiting, Erica De La Garza, Victoria  
 2-28 Cruz, Margaret Whiting, Joan Breezy Speer, Harriet Whitworth,  
 2-29 Patricia Harrison, Michael Murphy, Joe Noah, Susan Newman, Samuel  
 2-30 Whitworth, Barbara Erwin, Sidney Brown, Veronica Lopez, Irma Young,  
 2-31 Helen Robinson, Robert Thomas, Ruth Ahmed, Johnna J. Higginbotham,  
 2-32 Ted Breezy, Kathleen Hagan, Theresa Carrig, Robert Bland, Michael  
 2-33 Robert Bland, Patrick Boux Bland, Robert Dallas Bland, Mary  
 2-34 Hargraves, Debbie Zambardino, Richard Billescas, John and  
 2-35 Priscilla Ogden, Thomas K. Erwin, Joann L. Cooper, Paul Hargrave,  
 2-36 Charles H. McBride, Belia V. Zamora, Yolanda B. Garcia, Billy G.  
 2-37 Odom, Tamara L. Odom, B. Alan Odom, Lisa Odom, David P. Odom, Sandra  
 2-38 Kohlenberg, Tana Everett, Jack W. Pryor, Jr., Tina Vaughn, Kevin  
 2-39 Tippie, Gary B. Black, Elvia A. Sykes, LeAnna Lankford, Emile Erwin  
 2-40 Herbert, Henry Blake Erwin, Kathy McCaslin, Mike McBride, Cathy  
 2-41 Taylor, Barbara Barker Barnes, Tricia Deland, James Saylor, Tim  
 2-42 Kennedy, Catherine Lee, Diana Hodges, Hayden Hodges, Alden Hodges,  
 2-43 Carolyn J. Wallace, Leslie Diane Hogan, David W. Hogan, Donald A.  
 2-44 Hogan, Clifford E. Hogan, Joel Alston, Pamela Bean, Jill Scoggins,  
 2-45 Michael Brockway, Emory Brockway, Betty Brown, Lori Kubek, Richard  
 2-46 Kubek, Leroy Cady, Gene Cady, Wallace Cady, Christopher Chatelain,  
 2-47 Davette Pickard, H. Dean Clark, Yola Clark, Willia Jayne Clark,  
 2-48 Cherri Pellerin, Myra C. Goodman, William Greer, Susan Boatright,  
 2-49 Shawn Melton, Tracy Andrew, Martha A. Harris, Leslie Koester, Joyce  
 2-50 Sanches, Ethel Kimmons, Joanne K. Hemme, Jean Butts, Francis  
 2-51 Matthews Henry, John McHugh, Susan McHugh, Heather Keithley, Sue  
 2-52 McKnight, Amy McKnight, Phyllis Eckerson, James Nelson, Chris  
 2-53 Philips, Helen Ruth Pradarits, Robin Ann Pradarits, Ruthelyn  
 2-54 Mikeska, Mary-Beth Aleshire, Melanie Jaye Russell, Patricia Aden,  
 2-55 Pamela Sturiano, Joseph Pradarits, Keith Pradarits, Hilda  
 2-56 Rodefeld, Sherri Sonntag-Rodefeld, Louis Shields, Sandra Clemons,  
 2-57 David Stutzman, Joe Stutzman, Linda DeLeon, Tyra Yesh Ochoa, and  
 2-58 Marie Yates Taylor are granted permission to sue the State of Texas,  
 2-59 The University of Texas Medical Branch at Galveston, and the  
 2-60 Anatomical Board of the State of Texas for any and all causes of  
 2-61 action, including breach of contract, that relate to or arise from  
 2-62 the facts and circumstances described in this resolution, subject  
 2-63 to Chapter 107, Civil Practice and Remedies Code; and, be it further

2-64 RESOLVED, That the president of The University of Texas  
 2-65 Medical Branch at Galveston and the chairman of the Anatomical  
 2-66 Board of the State of Texas be served process as provided by  
 2-67 Subdivision (3), Subsection (a), Section 107.002, Civil Practice  
 2-68 and Remedies Code.

