

1 AN ACT
2 relating to liability and validation issues of the Downtown Midland
3 Management District.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 7(a), Chapter 1160, Acts of the 78th
6 Legislature, Regular Session, 2003, is amended to read as follows:

7 (a) Except as otherwise provided by this Act, Chapter 375,
8 Local Government Code, applies to the district. The application of
9 Chapter 375 to the district does not waive sovereign or other
10 governmental immunity for the district, except as provided by
11 Chapter 101, Civil Practice and Remedies Code.

12 SECTION 2. Chapter 1160, Acts of the 78th Legislature,
13 Regular Session, 2003, is amended by adding Sections 35 and 36 to
14 read as follows:

15 Sec. 35. IMMUNITY FROM LIABILITY. The district, a
16 director, or a district employee is not liable for damages arising
17 out of the performance of a governmental function of the district,
18 except as provided by Chapter 101, Civil Practice and Remedies
19 Code.

20 Sec. 36. VALIDATION. (a) All governmental acts and
21 proceedings of the district since the creation or attempted
22 creation of the district are validated as of the dates on which they
23 occurred.

24 (b) This section does not apply to any matter that on the

1 effective date of the Act enacting this section:

2 (1) is involved in litigation if the litigation
3 ultimately results in the matter being held invalid by a final court
4 judgment; or

5 (2) has been held invalid by a final court judgment.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2005.

Rand Swihurst

President of the Senate

Jim Coakley

Speaker of the House

I certify that H.B. No. 1587 was passed by the House on April 12, 2005, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Robert Harey
Chief Clerk of the House

I certify that H.B. No. 1587 was passed by the Senate on May 20, 2005, by the following vote: Yeas 30, Nays 1.

Ratsy Saw
Secretary of the Senate

APPROVED:

18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:20 AM CLOCK

JUN 18 2005

Roger Williams
Secretary of State