CHAPTER 1253

H.B. No. 64

AN ACT
relating to the liability of and the validation of certain acts of the Midland County Fresh Water Supply District No. 1.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle B, Title 6, Special District Local Laws Code, is amended by adding Chapter 6909 to read as follows:

CHAPTER 6909. MIDLAND COUNTY FRESH WATER SUPPLY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6909.001. DEFINITIONS. In this chapter:
(1) “Board” means the district’s board of supervisors.
(2) “District” means the Midland County Fresh Water Supply District No. 1.
(3) “Supervisor” means a board member.

Sec. 6909.002. TORT LIABILITY. (a) The district is a governmental unit under Chapter 101, Civil Practice and Remedies Code, and the operations of the district are essential government functions and are not proprietary functions for any purpose, including the application of that chapter.

(b) The district, a supervisor, or a district employee is not liable for damages arising out of the performance of a governmental function of the district, except as provided by Chapter 101, Civil Practice and Remedies Code.

Sec. 6909.003. NO LIABILITY FOR JOINT ENTERPRISE. The common law doctrine of vicarious liability because of participation in a joint enterprise does not impose liability on the district or a municipality that contracts with the district for a claim brought under Chapter 101, Civil Practice and Remedies Code.

Sec. 6909.004. MANDATORY VENUE. Venue for an action brought against the district is in Midland County.

SECTION 2. (a) All governmental and proprietary actions and proceedings of the Midland County Fresh Water Supply District No. 1 taken before the effective date of this Act relating to the selection of the district as the developer of the T-Bar Ranch water supply and the associated construction necessary for delivery of water from the T-Bar Ranch to the City of Midland are validated, ratified, and confirmed in all respects as of the dates on which they occurred.

(b) All agreements between the Midland County Fresh Water Supply District No. 1 and the City of Midland are validated as of the dates on which they occurred.

(c) All revenue refunding bonds, revenue notes, or other obligations issued by the district are validated as of the dates on which they were issued.

(d) This section does not apply to any matter that on the effective date of this Act:

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

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

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 15, 2013, by the following vote: Yeas 31, Nays 0.
CHAPTER 1254

H.B. No. 124

AN ACT
relating to the addition of Salvia divinorum and its derivatives and extracts to Penalty Group 3 of the Texas Controlled Substances Act.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 481.104(a), Health and Safety Code, is amended to read as follows:

(a) Penalty Group 3 consists of:

(1) a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

- Methylphenidate and its salts; and
- Phenmetrazine and its salts;

(2) a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- a substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid not otherwise described by this subsection;
- a compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these, and one or more active medicinal ingredients that are not listed in any penalty group;
- a suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and approved by the United States Food and Drug Administration for marketing only as a suppository;

Alprazolam;
Amobarbital;
Bromazepam;
Clonazepam;
Chlordiazepoxide;
Chlorhexadol;
Clobazam;
Clorazepate;
Cloxazepam;
Cloxazolam;
Delorazepam;
Diazepam;
Estazolam;
Etlyl loflazepate;
Fludiazepam;
Flurazepam;
Glutethimide;
Halazepam;