(2) the action was brought and maintained in good faith.

SECTION 4. (a) Section 64, Texas Probate Code, as added by this Act, applies only to the estate of a decedent who dies on or after the effective date of this Act. The estate of a decedent who dies before the effective date of this Act is governed by the law in effect on the date of the decedent’s death, and the former law is continued in effect for that purpose.

(b) Section 112.038, Property Code, as added by this Act, and Section 111.0035(b), Property Code, as amended by this Act, apply to a trust existing on or created on or after the effective date of this Act.

(c) The intent of this Act is to clarify existing law.

SECTION 5. 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, 2009.

Passed by the House on April 28, 2009: Yeas 149, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 1969 on May 25, 2009: Yeas 142, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 415
H.B. No. 1972
AN ACT
relating to contracts and purchases by certain navigation districts.

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

SECTION 1. Section 60.403(a), Water Code, is amended to read as follows:

(a) A port commission, an authorized designated officer of the port commission, the executive director of the district or the port authority, or an authorized representative of the executive director may make routine purchases or contracts in an amount not to exceed $50,000.

SECTION 2. Section 60.4035(a), Water Code, is amended to read as follows:

(a) Notwithstanding Sections 60.404 and 60.406, the executive director of a port commission or an officer of a port commission authorized in writing by the executive director of the port commission may make emergency purchases or contracts in an amount that exceeds $50,000 if necessary:

(1) to preserve or protect the public health and safety of the residents of the district;
(2) to preserve the property of the district in the case of a public calamity;
(3) to repair unforeseen damage to the property of the district; or
(4) to respond to security directives issued by:

(A) the federal Department of Homeland Security, including the Transportation Security Administration;
(B) the United States Coast Guard;
(C) the federal Department of Transportation, including the Maritime Administration;
or
(D) another federal or state agency responsible for domestic security.

SECTION 3. Sections 60.404(a) and (d), Water Code, are amended to read as follows:

(a) If the materials, supplies, machinery, equipment, or other items to be purchased or contracted for exceed $50,000, notice shall be published as provided by this section.
(d) The specifications must:

(1) describe in detail the item to be acquired;

(2) require that bids be sealed;

(3) require the attachment to the bid of a certified check, cashier's check, or bidders bond if the bid specifications require the bidder to provide a certified check, cashier's check, or bidders bond; and

(4) indicate whether a small business development program adopted by the port commission of the port authority or district applies to the purchase and, if so, where a copy of the program requirements may be obtained.

SECTION 4. Section 60.406(a), Water Code, is amended to read as follows:

(a) Before a district or port authority may purchase one or more items under a contract that will require an expenditure of more than $50,000 ($25,000), the port commission of that district or port authority must comply with the competitive bidding requirements or proposal procedures provided by Sections 60.404 and 60.405 of this code. All bids must be sealed.

SECTION 5. The change in law made by this Act applies only to a purchase made or a contract entered into by a navigation district on or after the effective date of this Act. A purchase made or a contract entered into by a navigation district before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6. 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, 2009.

Passed by the House on April 28, 2009: Yeas 149, Nays 0, 1 present, not voting; passed by the Senate on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 416

H.B. No. 1973

AN ACT

relating to the licensing and regulation of pool-related electrical maintenance.

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

SECTION 1. Section 1305.002, Occupations Code, is amended by amending Subdivisions (12-a), (12-b), (12-c), (12-d), and (12-e) and adding Subdivisions (14), (15), and (16) to read as follows:

(12-a) “Residential appliance” means a pool-related electrical device, or equipment that:

(A) is installed as a unit in a single-family or multifamily dwelling that does not exceed four stories;

(B) is directly connected to an electrical circuit; and

(C) performs a specific function.

(12-b) “Residential appliance installation” means electrical work that is limited to the connection or disconnection of a residential appliance, including a pool-related electrical device, to an existing electrical circuit other than by inserting or removing a plug from an electrical outlet.

(12-c) “Residential appliance installation contracting” means the business of residential appliance installation, including pool-related electrical maintenance.