under Section 609.5021, the federal income tax treatment of which is governed by Section 402A, Internal Revenue Code of 1986.

SECTION 2. Subchapter C, Chapter 609, Government Code, is amended by adding Section 609.5021 to read as follows:

Sec. 609.5021. ROTH CONTRIBUTION PROGRAMS. The board of trustees may:

(1) establish a qualified Roth contribution program in accordance with Section 402A, Internal Revenue Code of 1986, under which an employee may designate all or a portion of the employee's contribution under a 401(k) plan as a Roth contribution at the time the contribution is made; and

(2) if authorized by federal law, establish a program in accordance with the applicable federal law under which an employee may designate all or a portion of the employee's contribution under a 457 plan as a Roth contribution at the time the contribution is made.

SECTION 3. Section 609.5025(d), Government Code, is amended to read as follows:

(d) At any time, an employee participating in a 401(k) plan under this section may, in accordance with rules adopted by the board of trustees, elect to end participation in the 401(k) plan, to contribute to a different investment product, or to contribute a different amount to the plan, or to designate all or a portion of the employee's contribution as a Roth contribution subject to the availability of a Roth contribution program under Section 609.5021.

SECTION 4. Subchapter C, Chapter 609, Government Code, is amended by adding Section 609.5026 to read as follows:

Sec. 609.5026. STATE MATCHING CONTRIBUTIONS. Subject to a separate legislative appropriation for that purpose, the Employees Retirement System of Texas may make matching contributions to a 401(k) plan on behalf of employees participating in the plan solely from, and in an amount specified by, the appropriation.

SECTION 5. This Act takes effect September 1, 2009.

Passed by the House on April 30, 2009: Yeas 128, Nays 1, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 2283 on May 23, 2009: Yeas 144, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 19, 2009: Yeas 30, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 445

H.B. No. 2289

AN ACT

relating to discharging or releasing inmates from the Texas Department of Criminal Justice at or near certain department facilities.

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

SECTION 1. Chapter 493, Government Code, is amended by adding Section 493.029 to read as follows:

Sec. 493.029. LOCAL AND REGIONAL RELEASE AND DISCHARGE PROCEDURE. (a) The department shall establish a procedure through which an inmate being discharged from the department or being released on parole or to mandatory supervision is discharged or released, as applicable, from:

(1) the facility in which the inmate is serving the inmate's sentence; or

(2) the facility designated as a regional release facility under Subsection (b) that is nearest to the facility in which the inmate is serving the inmate's sentence.

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(b) The department shall designate six or more facilities operated by the department as regional release facilities from which an inmate being discharged from the department or being released on parole or to mandatory supervision may be discharged or released, as applicable, rather than being released under Subsection (a)(1). If the department determines that discharging or releasing an inmate under Subsection (a) is not in the best interest of the inmate or would threaten the safety of the public, the department may release the inmate from a regional release facility designated under this subsection other than the facility described by Subsection (a)(2).

SECTION 2. The Texas Department of Criminal Justice shall establish and implement the local and regional discharge and release procedure required by Section 493.029, Government Code, as added by this Act, as soon as possible after September 1, 2009, and in no event later than September 1, 2010.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on April 29, 2009: Yeas 142, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 446
H.B. No. 2333
AN ACT
relating to the lease of certain oil, gas, or mineral land by a municipality.

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

SECTION 1. Section 253.005(b), Local Government Code, is amended to read as follows:

(b) A municipality may [net] lease under this section a street, alley, or public square in the municipality if the lease prohibits the lessee from using the surface of the land for drilling, production, or other operations. In this subsection, "public square" does not include a dedicated public park.

SECTION 2. 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 20, 2009: Yeas 29, Nays 0.

Approved June 19, 2009.


CHAPTER 447
H.B. No. 2353
AN ACT
relating to the limitations period for certain disciplinary actions against title insurance companies.

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

SECTION 1. Section 2551.001(c), Insurance Code, as effective April 1, 2009, is amended to read as follows:

(c) To the extent applicable, the following provisions of this code apply to a title insurance company: