

By: Truitt

H.B. No. 2283

Substitute the following for H.B. No. 2283:

By: Anderson

C.S.H.B. No. 2283

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing state employee participation in the
3 TexaSaver program.

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

5 SECTION 1. Section 609.006(a), Government Code, is amended
6 to read as follows:

7 (a) A deferred compensation plan must conform to federal law
8 to provide that deferred amounts and investment income are not
9 includable, for federal income tax purposes, in the gross income of
10 a participating employee until distributed to the employee, subject
11 to the employee's option to designate all or a portion of deferred
12 amounts as Roth contributions under Section 609.5021, the federal
13 income tax treatment of which is governed by Section 402A, Internal
14 Revenue Code of 1986.

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

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

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

24 (2) if authorized by federal law, establish a program

1 in accordance with the applicable federal law under which an
2 employee may designate all or a portion of the employee's
3 contribution under a 457 plan as a Roth contribution at the time the
4 contribution is made.

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

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

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

16 Sec. 609.5026. STATE MATCHING CONTRIBUTIONS. (a) Except
17 as provided by Subsection (b) and subject to a separate legislative
18 appropriation for that purpose, the Employees Retirement System of
19 Texas may make matching contributions to a 401(k) plan on behalf of
20 employees participating in the plan solely from, and in an amount
21 specified by, the appropriation.

22 (b) The Employees Retirement System of Texas may only make a
23 contribution under this section if the retirement system:

24 (1) receives amounts sufficient to cover normal cost;
25 and

26 (2) maintains a funded ratio equal to or greater than
27 90 percent.

1 SECTION 5. Notwithstanding Section 4, Chapter 1409 (H.B.
2 957), Acts of the 80th Legislature, Regular Session, 2007, Section
3 609.5025, Government Code, as amended by this Act, applies to an
4 employee of a state agency regardless of the date on which the
5 employee begins employment. For an employee who began employment
6 before the effective date of this Act, automatic participation in a
7 401(k) plan under Section 609.5025, Government Code, begins as soon
8 as practicable after the effective date of this Act, but not later
9 than August 31, 2010, subject to the employee's option to elect not
10 to participate or to contribute a different amount to the plan.

11 SECTION 6. This Act takes effect September 1, 2009.