(A) 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; or

(B) convert all or a portion of the employee’s previous contribution under the plan to a Roth contribution.

SECTION 3. Subchapter B, Chapter 609, Government Code, is amended by adding Section 609.1175 to read as follows:

Sec. 609.1175. LOANS UNDER 457 PLAN. The plan administrator of a 457 plan may develop and implement procedures to efficiently administer a program under the plan that allows a qualified vendor to lend money to a participating employee.

SECTION 4. (a) The legislature validates an act taken before the effective date of this Act by a political subdivision to establish and administer:

(1) a qualified Roth contribution program in accordance with Section 402A, Internal Revenue Code of 1986;

(2) a program in accordance with federal law under which an employee may designate or convert all or a portion of the employee’s contribution under a 457 plan as or to a Roth contribution at the time the contribution is made; or

(3) a loan program under a 457 plan.

(b) Subsection (a) of this section does not apply to a 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 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, 2013.

Passed the Senate on March 27, 2013: Yeas 30, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 18, 2013.

Effective May 18, 2013.

CHAPTER 81

S.B. No. 367

AN ACT

relating to the disposition of abandoned or unclaimed property seized at the time of certain arrests.

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

SECTION 1. Article 18.17, Code of Criminal Procedure, is amended by adding Subsections (d-1) and (d-2) to read as follows:

(d-1) Notwithstanding Subsection (a), (b), (c), or (d), if property described by Subsection (a), other than money, is seized by a peace officer at the time the owner of the property is arrested for an offense punishable as a Class C misdemeanor, the law enforcement agency may provide notice to the owner at the time the owner is taken into or released from custody. On receiving the notice, the owner must sign the notice and attach a thumbprint to the notice. The notice must include:

(1) a description of the property being held;

(2) the address where the property is being held; and

(3) a statement that if the owner does not claim the property before the 31st day after the date the owner is released from custody, the property will be disposed of and the proceeds of

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the property, after deducting the reasonable expense of keeping and disposing of the property, will be placed in the treasury of the municipality or county providing the notice.

(d-2) If the property for which notice is provided under Subsection (d-1) is not claimed by the owner before the 31st day after the date the owner is released from custody, the law enforcement agency holding the property shall deliver the property for disposition to a person designated by the municipality or to the purchasing agent or sheriff of the county in which the property was seized, as applicable. The person designated by the municipality, the purchasing agent, or the sheriff may sell or donate the property without mailing or publishing an additional notice as required by Subsection (b), (c), or (d). The sale proceeds, after deducting the reasonable expense of keeping and disposing of the property, must be deposited in the treasury of the municipality or county disposing of the property.

SECTION 2. Article 18.17, Code of Criminal Procedure, as amended by this Act, applies to personal property seized or taken into custody on or after the effective date of this Act. Personal property seized or taken into custody before the effective date of this Act is governed by the law in effect on the date the property is seized or taken into custody, and the former law is continued in effect for that purpose.

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 the Senate on March 27, 2013: Yeas 30, Nays 0; the Senate concurred in House amendment on May 8, 2013: Yeas 30, Nays 0; passed the House, with amendment, on May 1, 2013: Yeas 140, Nays 0, one present not voting. Approved May 18, 2013. Effective May 18, 2013.

CHAPTER 82

S.B. No. 411

AN ACT

relating to insurers' duty to provide information in a fraud investigation.

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

SECTION 1. Section 701.108, Insurance Code, is amended to read as follows:

Sec. 701.108. INSURER'S DUTY TO PROVIDE INFORMATION. (a) On the written request of an authorized governmental agency, an insurer shall provide to the agency any relevant information or material relating to a matter under investigation.

(b) An insurer must respond to a request under Subsection (a) from the department not later than the 15th day after the date the request is received. On written request of the insurer, the department shall extend the period 10 days.

SECTION 2. Section 701.108, Insurance Code, as amended by this Act, applies only to a request by the Texas Department of Insurance made on or after the effective date of this Act. A request made before the effective date of this Act is governed by the law in effect when the request was made, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting. Approved May 18, 2013. Effective September 1, 2013.