(2) "Surplus property" means personal property that is in excess of the needs of its owner, that is not required for the owner's foreseeable needs, and that possesses some usefulness for the purpose for which it was intended or for some other purpose.

(3) "Volunteer fire department" means an association that:
   (A) operates firefighting equipment;
   (B) is organized primarily to provide and actively provides firefighting services;
   (C) does not pay its members compensation other than nominal compensation; and
   (D) does not distribute any of its income to its members, officers, or governing body, other than for reimbursement of expenses.

(b) Notwithstanding other law, a district may sell surplus firefighting equipment, including equipment described by Sections 419.040 and 419.041, Government Code, to any volunteer fire department or district in this state for fair market value if the equipment:
   (1) met the National Fire Protection Association Standards at the original time of purchase; and
   (2) at the time of the sale:
      (A) meets the National Fire Protection Association Standards in effect at the original time of purchase; or
      (B) meets the National Fire Protection Association Standards in effect.

(c) A district may contract to supply surplus property to any volunteer fire department or district in this state at fair market value.

(d) A district may sell salvage property to any person in this state for fair market value. If a district is unable to sell the property for fair market value, the district may destroy or otherwise dispose of the property as worthless.

(e) The district may determine the fair market value of surplus and salvage property sold under Subsections (b), (c), and (d).

SECTION 2. This Act takes effect September 1, 2009.

Passed the Senate on April 16, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 145, Nays 0, one present not voting.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 538

S.B. No. 1514

AN ACT
relating to child support arrearages and a credit based on certain disability payments.

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

SECTION 1. Subchapter A, Chapter 157, Family Code, is amended by adding Section 157.009 to read as follows:

Sec. 157.009. CREDIT FOR PAYMENT OF DISABILITY BENEFITS. In addition to any other credit or offset available to an obligor under this title, if a child for whom the obligor owes child support receives a lump-sum payment as a result of the obligor's disability and that payment is made to the obligee as the representative payee of the child, the obligor is entitled to a credit. The credit under this section is equal to the amount of the lump-sum payment and shall be applied to any child support arrearage and interest owed by the obligor on behalf of that child at the time the payment is made.

SECTION 2. Subsection (f), Section 157.262, Family Code, is amended to read as follows:

(f) The money judgment for arrearages rendered by the court may be subject to a counterclaim or offset as provided by this title [subchapter].
SECTION 3. Section 157.009, Family Code, as added by this Act, applies only to a money judgment for child support arrearages that is rendered on or after the effective date of this Act. A money judgment for child support arrearages rendered before the effective date of this Act is governed by the law in effect on the date that the judgment was rendered, and the former law is continued in effect for that purpose.

SECTION 4. 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 the Senate on April 16, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 145, Nays 0, one present not voting.

Approved June 19, 2009.

CHAPTER 539
S.B. No. 1522
AN ACT
relating to the exemption of certain school districts from the drainage charge imposed by a municipal drainage utility system.

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

SECTION 1. Section 552.053, Local Government Code, as effective April 1, 2009, is amended by adding Subsection (e) to read as follows:

(e) Property owned by a school district located wholly or partly in a municipality described by Section 552.044(8)(A) is exempt from drainage charges under Section 552.047 and all ordinances, resolutions, and rules adopted under this subchapter.

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 the Senate on April 9, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 145, Nays 0, one present not voting.

Approved June 19, 2009.

CHAPTER 540
S.B. No. 1574
AN ACT
relating to the requirement that the county clerk of certain counties prepare a written records management and preservation services plan.

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

SECTION 1. Subsection (e), Section 118.0216, Local Government Code, is amended to read as follows:

(e) In a county that is adjacent to an international boundary, the county clerk shall prepare an annual written plan for funding the automation projects and records management and preservation services performed by the clerk. After a public hearing, the plan shall be considered for approval by the commissioners court. Funds from the records management

1243