

By: Eiland

H.B. No. 4735

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the powers of the Coastal Water Authority; affecting  
3 the authority to issue bonds.

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

5 SECTION 1. Section 3A, Chapter 601, Acts of the 60th  
6 Legislature, Regular Session, 1967, is amended to read as follows:

7 Sec. 3A. The Authority may develop and generate electric  
8 energy by any means, including [~~for use by the Authority or the City~~  
9 ~~of Houston by~~] wind turbines and [~~or~~] hydroelectric facilities.

10 Any energy generated by the Authority must first be made available  
11 to the Authority and to the City of Houston.

12 SECTION 2. Section 3B(c), Chapter 601, Acts of the 60th  
13 Legislature, Regular Session, 1967, is amended to read as follows:

14 (c) A corporation created under this section is governed in  
15 the same manner as a local government corporation created by a  
16 municipality or county, except that the board of the Authority  
17 shall appoint the board of the corporation and Section 431.101(g),  
18 Transportation Code, does not apply to a corporation created under  
19 this section. The board of the corporation serves at the will of  
20 the board of the Authority.

21 SECTION 3. Chapter 601, Acts of the 60th Legislature,  
22 Regular Session, 1967, is amended by adding Section 3E to read as  
23 follows:

24 Sec. 3E. The Authority may participate in a wetland

1 mitigation program under Chapter 221, Natural Resources Code.

2 SECTION 4. Section 4, Chapter 601, Acts of the 60th  
3 Legislature, Regular Session, 1967, is amended by amending  
4 Subsection (b) and adding Subsection (b-1) to read as follows:

5 (b) The Authority shall have and is hereby authorized,  
6 subject to the provisions contained herein, to exercise the powers,  
7 rights, privileges, and functions of establishing, acquiring, and  
8 extending a park or park system and the Authority shall be  
9 authorized to improve and equip its park or park system in any  
10 manner considered by its board to be appropriate including the  
11 construction, purchase, lease, and other acquisition of such park  
12 facilities as shall be desirable in the full and adequate  
13 development of the park or park system and once established and  
14 improved the Authority shall be authorized from time to time to  
15 improve, repair, extend, operate, and maintain such park or park  
16 system and the park facilities and other improvements situated  
17 thereon and relating thereto. 'Park facilities,' as used herein,  
18 means any and all improvements to, or equipment to be placed in, a  
19 park, which in the judgment of the board is or will be appropriate,  
20 necessary, or useful in the establishment and operation of a park or  
21 park system and which will be used or useful by the public in its  
22 enjoyment and use thereof, including without limitation, roads,  
23 paths, ornaments, public utilities and all types and all lines,  
24 systems, and facilities incident thereto, buildings of every type  
25 (including but not limited to those related to or useful in the  
26 accommodation, lodging, housing, and feeding of the members of the  
27 public who may frequent the park) and amusement equipment and

1 facilities of all types. 'Park,' as used herein, means any area of  
2 land or interest therein which is now owned or may hereafter be  
3 acquired by the Authority and which is adjacent to the main or  
4 lateral canals of the Authority and which in the judgment of the  
5 board is or will be appropriate, necessary or useful as and which is  
6 or will be dedicated, used, and devoted by the board to use by the  
7 public as a playground or place of rest, resort, recreation,  
8 exercise, sport, pleasure, amusement, or enjoyment, or any area of  
9 land or interest in an area of land to be used as open space or  
10 wetlands or for reforestation or other uses that reduce, offset, or  
11 capture greenhouse gases or other emissions, or provide mitigation  
12 of other environmental impacts, provided that the use of the area of  
13 land or interest in the area of land is in connection with or useful  
14 for an existing or planned Authority project or facility or other  
15 authorized use [~~in connection with the beneficial use of the main or~~  
16 ~~lateral canals to which it is adjacent~~]. 'Park system,' as used  
17 herein, means more than one park whether or not contiguous.

18         The Authority shall be authorized to acquire property of any  
19 kind, or any interest therein, necessary or convenient to the  
20 exercise of the powers, rights, privileges, and functions conferred  
21 pursuant to this Section 4(b); provided, however, that the  
22 authority shall not acquire such parks and/or park system by the  
23 exercise of eminent domain.

24         Each park and park system acquired or established under the  
25 provisions hereof shall be under and subject to the control and  
26 management of the board, and the board shall have the continuous  
27 general power to manage and operate the affairs of the same as it

1 may consider appropriate, including without limitation the power to  
2 employ such personnel for management or policing purposes, or  
3 otherwise, to enter into such contracts and agreements extending  
4 over such periods of time, to provide for the sale, rental, or use  
5 of such products in the park or park system as shall be considered  
6 necessary to the full, complete, proper, and efficient development,  
7 administration, and operation of the park or park system.

8         The Authority shall have the express general power and  
9 authority to make, grant, accept, and enter into all leases, and all  
10 concession, rental, operating, or other contracts and agreements  
11 covering or relating to any part or all of the land comprising any  
12 park, park system, or park facilities, which the board shall deem  
13 necessary or convenient to carry out any of the purposes and powers  
14 granted hereby, upon such terms and conditions and for such length  
15 or period of time as may be prescribed herein. Any such contract,  
16 lease, or agreement may be entered into with any person, real or  
17 artificial, any corporation, municipal or private, any  
18 governmental agency or bureau, including the United States  
19 government and the State of Texas, agencies and political  
20 subdivisions thereof, and the board may make contracts, leases, and  
21 agreements with any such persons, corporation, or entities for the  
22 acquisition, financing, construction, or operation of any park,  
23 park system, or park facilities or other improvements in or  
24 connected with or incident to any park or park system.

25         Any and all such contracts, leases, and agreements, to be  
26 effective, shall be authorized by order or resolution of the board,  
27 shall be executed by its president and attested by its secretary, or

1 it may be executed by such other person or persons as the board may  
2 direct, and the same shall be binding upon the Authority without  
3 reference to any other statute or statutes.

4 The board shall be expressly authorized to adopt and enforce  
5 such rules and regulations relating to the use, operation,  
6 management, administration, and policing of its park or park system  
7 and related waters controlled by it as it may consider appropriate,  
8 including, without limitation, the zoning or dividing of each park  
9 or park system into such zones or divisions as it may consider  
10 appropriate and in the interest of such park or park system as a  
11 whole, and it may restrict and prescribe the activities that may be  
12 conducted in each such zone or division.

13 The board shall be authorized to fix, impose, and collect  
14 such fees, tolls, rents, rates, and charges for entry to, or use of,  
15 the park or park system and park facilities controlled by it as it  
16 may deem necessary, with other sources of funds available to it, to  
17 support the acquisition, maintenance, upkeep, repair, improvement,  
18 and operation of such park or park system.

19 The board is hereby authorized to accept grants, gratuities,  
20 advances, and loans in any form from any source approved by the  
21 board including the United States Government or any agency thereof,  
22 the State of Texas or any agency thereof, any private or public  
23 corporation, and any other person, for the purpose of promoting,  
24 establishing, and accomplishing the objectives and purposes and  
25 powers herein set forth, and to make and enter into such  
26 concessions, agreements, and covenants as the board considers  
27 appropriate in connection therewith.

1       (b-1) The Authority may exercise any of its existing powers,  
2 including its parks powers, to carry out a project or activity that  
3 reduces, offsets, or captures and sequesters greenhouse gases or  
4 other emissions as provided by law. The Authority may contract with  
5 a private or public entity to sell or trade credits, offsets, tax  
6 credits, or other similar marketable instruments authorized by law  
7 and available to the Authority attributable to any such project or  
8 activity. The Authority may pledge any stream of revenue from any  
9 such transaction to the issuance of bonds or notes to fund any  
10 authorized purpose of the Authority. The Authority may contract  
11 with any other governmental entity to issue bonds or notes secured  
12 by a stream of revenue from the entity attributable to any such  
13 project or activity. The proceeds of the bonds may be used to fund  
14 any authorized purpose of the Authority or any joint project with  
15 the participating governmental entity.

16       SECTION 5. (a) The legal notice of the intention to  
17 introduce this Act, setting forth the general substance of this  
18 Act, has been published as provided by law, and the notice and a  
19 copy of this Act have been furnished to all persons, agencies,  
20 officials, or entities to which they are required to be furnished  
21 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
22 Government Code.

23       (b) The governor, one of the required recipients, has  
24 submitted the notice and Act to the Texas Commission on  
25 Environmental Quality.

26       (c) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of  
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this  
4 state and the rules and procedures of the legislature with respect  
5 to the notice, introduction, and passage of this Act are fulfilled  
6 and accomplished.

7 SECTION 6. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2009.