

1-1 By: Eiland (Senate Sponsor - Jackson) H.B. No. 4735
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 23, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers of the Coastal Water Authority; affecting
1-9 the authority to issue bonds.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 3A, Chapter 601, Acts of the 60th
1-12 Legislature, Regular Session, 1967, is amended to read as follows:

1-13 Sec. 3A. The Authority may develop and generate electric
1-14 energy by any means, including ~~[for use by the Authority or the City~~
1-15 ~~of Houston by]~~ wind turbines and ~~[or]~~ hydroelectric facilities.
1-16 Any energy generated by the Authority must first be made available
1-17 to the Authority and to the City of Houston.

1-18 SECTION 2. Section 3B(c), Chapter 601, Acts of the 60th
1-19 Legislature, Regular Session, 1967, is amended to read as follows:

1-20 (c) A corporation created under this section is governed in
1-21 the same manner as a local government corporation created by a
1-22 municipality or county, except that the board of the Authority
1-23 shall appoint the board of the corporation and Section 431.101(g),
1-24 Transportation Code, does not apply to a corporation created under
1-25 this section. The board of the corporation serves at the will of
1-26 the board of the Authority.

1-27 SECTION 3. Chapter 601, Acts of the 60th Legislature,
1-28 Regular Session, 1967, is amended by adding Section 3E to read as
1-29 follows:

1-30 Sec. 3E. The Authority may participate in a wetland
1-31 mitigation program under Chapter 221, Natural Resources Code.

1-32 SECTION 4. Section 4, Chapter 601, Acts of the 60th
1-33 Legislature, Regular Session, 1967, is amended by amending
1-34 Subsection (b) and adding Subsection (b-1) to read as follows:

1-35 (b) The Authority shall have and is hereby authorized,
1-36 subject to the provisions contained herein, to exercise the powers,
1-37 rights, privileges, and functions of establishing, acquiring, and
1-38 extending a park or park system and the Authority shall be
1-39 authorized to improve and equip its park or park system in any
1-40 manner considered by its board to be appropriate including the
1-41 construction, purchase, lease, and other acquisition of such park
1-42 facilities as shall be desirable in the full and adequate
1-43 development of the park or park system and once established and
1-44 improved the Authority shall be authorized from time to time to
1-45 improve, repair, extend, operate, and maintain such park or park
1-46 system and the park facilities and other improvements situated
1-47 thereon and relating thereto. 'Park facilities,' as used herein,
1-48 means any and all improvements to, or equipment to be placed in, a
1-49 park, which in the judgment of the board is or will be appropriate,
1-50 necessary, or useful in the establishment and operation of a park or
1-51 park system and which will be used or useful by the public in its
1-52 enjoyment and use thereof, including without limitation, roads,
1-53 paths, ornaments, public utilities and all types and all lines,
1-54 systems, and facilities incident thereto, buildings of every type
1-55 (including but not limited to those related to or useful in the
1-56 accommodation, lodging, housing, and feeding of the members of the
1-57 public who may frequent the park) and amusement equipment and
1-58 facilities of all types. 'Park,' as used herein, means any area of
1-59 land or interest therein which is now owned or may hereafter be
1-60 acquired by the Authority and which is adjacent to the main or
1-61 lateral canals of the Authority and which in the judgment of the
1-62 board is or will be appropriate, necessary or useful as and which is
1-63 or will be dedicated, used, and devoted by the board to use by the
1-64 public as a playground or place of rest, resort, recreation,

2-1 exercise, sport, pleasure, amusement, or enjoyment, or any area of
 2-2 land or interest in an area of land to be used as open space or
 2-3 wetlands or for reforestation or other uses that reduce, offset, or
 2-4 capture greenhouse gases or other emissions, or provide mitigation
 2-5 of other environmental impacts, provided that the use of the area of
 2-6 land or interest in the area of land is in connection with or useful
 2-7 for an existing or planned Authority project or facility or other
 2-8 authorized use [in connection with the beneficial use of the main or
 2-9 lateral canals to which it is adjacent]. 'Park system,' as used
 2-10 herein, means more than one park whether or not contiguous.

2-11 The Authority shall be authorized to acquire property of any
 2-12 kind, or any interest therein, necessary or convenient to the
 2-13 exercise of the powers, rights, privileges, and functions conferred
 2-14 pursuant to this Section 4(b); provided, however, that the
 2-15 authority shall not acquire such parks and/or park system by the
 2-16 exercise of eminent domain.

2-17 Each park and park system acquired or established under the
 2-18 provisions hereof shall be under and subject to the control and
 2-19 management of the board, and the board shall have the continuous
 2-20 general power to manage and operate the affairs of the same as it
 2-21 may consider appropriate, including without limitation the power to
 2-22 employ such personnel for management or policing purposes, or
 2-23 otherwise, to enter into such contracts and agreements extending
 2-24 over such periods of time, to provide for the sale, rental, or use
 2-25 of such products in the park or park system as shall be considered
 2-26 necessary to the full, complete, proper, and efficient development,
 2-27 administration, and operation of the park or park system.

2-28 The Authority shall have the express general power and
 2-29 authority to make, grant, accept, and enter into all leases, and all
 2-30 concession, rental, operating, or other contracts and agreements
 2-31 covering or relating to any part or all of the land comprising any
 2-32 park, park system, or park facilities, which the board shall deem
 2-33 necessary or convenient to carry out any of the purposes and powers
 2-34 granted hereby, upon such terms and conditions and for such length
 2-35 or period of time as may be prescribed herein. Any such contract,
 2-36 lease, or agreement may be entered into with any person, real or
 2-37 artificial, any corporation, municipal or private, any
 2-38 governmental agency or bureau, including the United States
 2-39 government and the State of Texas, agencies and political
 2-40 subdivisions thereof, and the board may make contracts, leases, and
 2-41 agreements with any such persons, corporation, or entities for the
 2-42 acquisition, financing, construction, or operation of any park,
 2-43 park system, or park facilities or other improvements in or
 2-44 connected with or incident to any park or park system.

2-45 Any and all such contracts, leases, and agreements, to be
 2-46 effective, shall be authorized by order or resolution of the board,
 2-47 shall be executed by its president and attested by its secretary, or
 2-48 it may be executed by such other person or persons as the board may
 2-49 direct, and the same shall be binding upon the Authority without
 2-50 reference to any other statute or statutes.

2-51 The board shall be expressly authorized to adopt and enforce
 2-52 such rules and regulations relating to the use, operation,
 2-53 management, administration, and policing of its park or park system
 2-54 and related waters controlled by it as it may consider appropriate,
 2-55 including, without limitation, the zoning or dividing of each park
 2-56 or park system into such zones or divisions as it may consider
 2-57 appropriate and in the interest of such park or park system as a
 2-58 whole, and it may restrict and prescribe the activities that may be
 2-59 conducted in each such zone or division.

2-60 The board shall be authorized to fix, impose, and collect
 2-61 such fees, tolls, rents, rates, and charges for entry to, or use of,
 2-62 the park or park system and park facilities controlled by it as it
 2-63 may deem necessary, with other sources of funds available to it, to
 2-64 support the acquisition, maintenance, upkeep, repair, improvement,
 2-65 and operation of such park or park system.

2-66 The board is hereby authorized to accept grants, gratuities,
 2-67 advances, and loans in any form from any source approved by the
 2-68 board including the United States Government or any agency thereof,
 2-69 the State of Texas or any agency thereof, any private or public

3-1 corporation, and any other person, for the purpose of promoting,
3-2 establishing, and accomplishing the objectives and purposes and
3-3 powers herein set forth, and to make and enter into such
3-4 concessions, agreements, and covenants as the board considers
3-5 appropriate in connection therewith.

3-6 (b-1) The Authority may exercise any of its existing powers,
3-7 including its parks powers, to carry out a project or activity that
3-8 reduces, offsets, or captures and sequesters greenhouse gases or
3-9 other emissions as provided by law. The Authority may contract with
3-10 a private or public entity to sell or trade credits, offsets, tax
3-11 credits, or other similar marketable instruments authorized by law
3-12 and available to the Authority attributable to any such project or
3-13 activity. The Authority may pledge any stream of revenue from any
3-14 such transaction to the issuance of bonds or notes to fund any
3-15 authorized purpose of the Authority. The Authority may contract
3-16 with any other governmental entity to issue bonds or notes secured
3-17 by a stream of revenue from the entity attributable to any such
3-18 project or activity. The proceeds of the bonds may be used to fund
3-19 any authorized purpose of the Authority or any joint project with
3-20 the participating governmental entity.

3-21 SECTION 5. (a) The legal notice of the intention to
3-22 introduce this Act, setting forth the general substance of this
3-23 Act, has been published as provided by law, and the notice and a
3-24 copy of this Act have been furnished to all persons, agencies,
3-25 officials, or entities to which they are required to be furnished
3-26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-27 Government Code.

3-28 (b) The governor, one of the required recipients, has
3-29 submitted the notice and Act to the Texas Commission on
3-30 Environmental Quality.

3-31 (c) The Texas Commission on Environmental Quality has filed
3-32 its recommendations relating to this Act with the governor, the
3-33 lieutenant governor, and the speaker of the house of
3-34 representatives within the required time.

3-35 (d) All requirements of the constitution and laws of this
3-36 state and the rules and procedures of the legislature with respect
3-37 to the notice, introduction, and passage of this Act are fulfilled
3-38 and accomplished.

3-39 SECTION 6. This Act takes effect immediately if it receives
3-40 a vote of two-thirds of all the members elected to each house, as
3-41 provided by Section 39, Article III, Texas Constitution. If this
3-42 Act does not receive the vote necessary for immediate effect, this
3-43 Act takes effect September 1, 2009.

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