

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Bobby Janecka, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 25, 2021

The Honorable Dade Phelan  
Texas House of Representatives  
Capitol Station  
PO Box 2910  
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution.

House Bill (HB) 1023, as Filed by Representative Eddie Lucio III-relating to the powers, duties, and territory of the Port of Harlingen Authority; authorizing the imposition of a tax.

Dear Speaker Phelan:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

HB 1023 provides changes to the Port of Harlingen Authority (Authority) by amending Special Districts Local Law Code, Chapter 5013. The bill clarifies the Authority boundaries, requires hiring or appointing a treasurer authorized with the powers and duties under Chapters 60 and 62 of the Texas Water Code (TWC), provides that sales and leases by the Authority are subject to TWC Chapter 60, provides the Authority may enter into a surface lease for a period of not more than 99 years, and TWC Sections 60.041 and 60.042 do not apply to a bid on real property to be sold by the Authority. The bill provides that the Authority may impose an ad valorem tax at a rate not to exceed ten cents on each \$100 valuation of all taxable property to pay for operation and maintenance expenses and that the county authority under TWC Section 62.160 does not apply to the Authority. The bill requires the Authority to select a depository to ensure that the Authority funds are fully insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Nygren".

Kim Nygren, Director  
Water Availability Division

cc: The Honorable Terry Canales, Chairman, House Committee on Transportation  
Representative Eddie Lucio III, Texas House of Representatives

LETTER OF TRANSMITTAL  
HOUSE OF REPRESENTATIVES  
STATE OF TEXAS

HB 1023

Bill Number

TO: The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/24/2021

Date transmitted to  
Governor's Office



Chief Clerk  
House of Representatives

TO: Texas Commission on Environmental Quality  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

March 12, 2021

Date transmitted to  
Texas Commission on Environmental Quality



Governor

TO: The Honorable Speaker of the House  
The Honorable President of the Senate  
The Honorable Governor of Texas  
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.



Texas Commission on Environmental Quality



87R HB 01023