

Amend CSHB 2694 (house committee report) as follows:

(1) On page 4, strike lines 17 and 18, and substitute "SECTION 1.07. Section 12.052, Water Code, is amended by amending Subsections (a) and (f) and adding Subsections (e-1) and (e-2) to read as follows:".

(2) On page 4, between lines 24 and 25, insert the following:

(e-1) The owner or operator of a permitted or exempt dam for a reservoir with a storage capacity that does not exceed 1,000 acre-feet, or of such a reservoir, that was substantially completed before January 1, 2011, may not be required to upgrade or modify the dam or reservoir:

(1) to meet the minimum design flood hydrograph criteria established by commission rules that take effect on or after January 1, 2009; or

(2) based on downstream development that occurred after substantial completion of the dam or reservoir.

(e-2) Except as provided by Subsection (e-1), the owner or operator of a dam or reservoir described by that subsection shall operate and maintain the dam or reservoir in accordance with commission rules.

(f) Nothing in this section or in rules or orders made by the commission shall be construed to relieve an owner or operator of a dam or reservoir of any ~~[the]~~ legal duties, obligations, or liabilities incident to ownership or operation of a dam or reservoir under the common law of this state.