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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

1 Amend C.S.H.B. No. 2694 (house committee report) as follows:

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

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

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

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

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

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

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