

Amend CSSB 1087 (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 25), strike "Subsection (b-1)" and substitute "Subsections (b-1) and (b-2)".

(2) In SECTION 2 of the bill, in amended Section 66.004, Utilities Code (page 1, between lines 45 and 46) insert the following new Subsection:

(b-2) Notwithstanding Subsection (b-1), a cable service provider or video service provider that is subject to a municipal franchise in effect on August 31, 2011, in a municipality that by ordinance requires the provider to bury a new or existing component or facility may not terminate the municipal franchise under Subsection (b-1) unless the provider agrees to comply with the terms of the ordinance until the date the municipal franchise is otherwise scheduled to expire or a date agreed on by the provider and the municipality. The commission may not issue a state-issued certificate of franchise authority to a provider under Subsection (b-1) unless the provider provides proof that the provider has agreed to comply with this subsection. A person or other entity holding a right reserved in this subsection may enforce that right by an action brought in a court of competent jurisdiction.