

Amend CSSB 1405 (senate committee printing) as follows:

(1) Strike the recital to SECTION 4 of the bill, amending Section 490I.0106, Government Code (page 2, lines 40 and 41), and substitute the following:

SECTION 4. Section 490I.0106, Government Code, is amended by amending Subsections (a), (a-1), (a-2), (a-3), (b), (d), (f), and (h) and adding Subsection (h-1) to read as follows:

(2) In SECTION 4 of the bill, in amended Section 490I.0106(b)(4), Government Code (page 3, line 13), after the semicolon, strike "and" and substitute "[~~and~~]".

(3) In SECTION 4 of the bill, strike Section 490I.0106(b)(5), Government Code (page 3, lines 14 through 16), and substitute the following:

(5) take into consideration whether an applicant has forfeited federal funding for defaulting on a project to deploy qualifying broadband service; and

(6) take into consideration whether an applicant has repeatedly used private property in an unauthorized manner or caused damage to private property, as demonstrated by affidavits submitted to the office by property owners affected by that conduct.

(4) In SECTION 4 of the bill, in amended Section 490I.0106, Government Code (page 3, between lines 46 and 47), insert the following:

(h) The office shall establish and publish criteria for award recipients. The criteria must include requirements that grants, loans, and other financial incentives awarded through the program for the deployment of broadband infrastructure may be:

(1) used only for capital expenses, purchase or lease of property, and other expenses, including backhaul and transport, that will facilitate the provision or adoption of broadband service; and

(2) subject to withdrawal if the award recipient is found, in accordance with rules adopted by the office, to have repeatedly used private property in an unauthorized manner or caused damage to private property.

(h-1) The comptroller by rule shall establish a process for

determining whether a financial incentive is subject to withdrawal under Subsection (h) that:

(1) provides for the submission of a notarized affidavit by an affected property owner; and

(2) requires the office to notify an award recipient of the potential withdrawal and provide the recipient an opportunity to respond before taking action.