

House Bill 346

By: Representatives Parsons of the 44th, Carson of the 46th, Seabaugh of the 34th, and Barton of the 5th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 76 of Title 36 of the Official Code of Georgia Annotated, relating to
2 expedited franchising of cable and video services, so as to prohibit municipalities and
3 counties from using public, educational, and governmental programming (PEG) channels for
4 political purposes; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 76 of Title 36 of the Official Code of Georgia Annotated, relating to expedited
9 franchising of cable and video services, is amended in Code Section 36-76-8, relating to
10 public, educational, and governmental programming under a state franchise, by revising
11 subsection (b) as follows:

12 "(b)(1) Subject to the usage criteria and restrictions set forth in this subsection, a
13 municipal or county governing authority that does not have PEG access channels
14 activated under the incumbent service provider's franchise agreement as of January 1,
15 2008, may request a sufficient amount of capacity on its network to support up to three
16 PEG channels for a municipality in this state having a population of 50,000 or more

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17 according to the United States decennial census of 2000 or any future such census or an
18 unincorporated area of a county which is located in a county in this state having a
19 population of 50,000 or more according to the United States decennial census of 2000 or
20 any future such census or up to two PEG channels for a municipality in this state having
21 a population of 50,000 or less according to the United States decennial census of 2000
22 or any future such census or an unincorporated area of a county which is located in a
23 county in this state having a population of 50,000 or less according to the United States
24 decennial census of 2000, and the cable service provider or video service provider shall
25 designate such sufficient amount of capacity. No cable service provider or video service
26 provider shall be required to provide more than three PEG access channels on its network
27 within a municipality or unincorporated area of a county if there does not exist at the time
28 of the state franchise more than three active PEG channels in such municipality or
29 unincorporated area of the county.

30 (2) To qualify for the first PEG channel on the basic or analog tier of service, the written
31 request of the municipality or county shall include a certification that it has produced at
32 least 15 hours of nonduplicative original programming for production in the first month
33 of operation and that the municipality or county shall continue to produce at least 15
34 hours of nonduplicative original programming for each month that the channel is
35 provided.

36 (3) Alternatively, to qualify for the first PEG channel on the basic or analog tier of
37 service, two or more municipalities or counties may collectively include a certification
38 that they have produced at least 15 hours of nonduplicative original programming for
39 production in the first month of operation and that the municipalities or counties shall
40 continue to produce at least 15 hours of nonduplicative original programming for each
41 month that the channel is provided.

42 (4) To qualify for a second PEG channel on the basic or analog tier of service, the
43 municipality or county shall certify that the first channel is being substantially utilized,

44 and that upon activation, the second PEG channel shall also be substantially utilized. For
45 purposes of this subsection, PEG channels shall be considered 'substantially utilized'
46 when 12 continuous hours of content are programmed on that channel each calendar day.
47 In addition, at least 75 percent of the 12 hours of programming for each business day over
48 each calendar quarter, on average, shall be nonduplicative programming. Nonduplicative
49 programming shall include the first three broadcasts in a day of a meeting of an elected
50 government body.

51 (5) To qualify for a third PEG channel, a municipality in this state having a population
52 of 50,000 or more according to the United States decennial census of 2000 or any future
53 such census or an unincorporated area of a county which is located in a county in this
54 state having a population of 50,000 or more according to the United States decennial
55 census of 2000 or any future such census shall certify that the channel shall be
56 programmed for at least eight continuous hours of nonduplicative content per day. The
57 third PEG channel shall only be available on the nonbasic digital tier.

58 (6) Any municipality or county that has not obtained a second PEG channel on the basic
59 or analog tier may qualify for a second PEG channel on the nonbasic digital tier by
60 certifying that the channel shall be programmed for at least eight continuous hours of
61 nonduplicative content per day.

62 (7) No PEG channel capability provided pursuant to this Code section shall be used by
63 any municipality or county for political purposes, including, but not limited to,
64 broadcasting partisan political programming or content that is associated with the
65 campaign of any candidate for public office.

66 (8) Any PEG channel capability provided pursuant to this Code section that does not
67 comply with the usage criteria and restrictions set forth in this subsection or is not
68 substantially utilized by the municipality or county shall no longer be made available
69 after reasonable notice is provided to the municipality or county but may be programmed
70 at the franchise holder's discretion. At such time as the municipality or county certifies

71 to the franchise holder that it shall meet the usage criteria for that particular channel, the
72 cable service provider or video service provider shall restore the previously lost channel.
73 However, the franchise holder shall be under no obligation to carry that channel on a
74 basic or analog tier."

75 **SECTION 2.**

76 All laws and parts of laws in conflict with this Act are repealed.