

Original sponsor(s): SEN. BINKLEY

1 IN THE SENATE BY THE STATE AFFAIRS COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 455 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting advertising to promote the use or
7 sale of alcoholic beverages on the satellite tele-
8 vision project; and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. FINDINGS AND PURPOSE. (a) The legislature finds that

11 (1) alcohol abuse has taken a tremendous toll on the lives of
12 Alaskans, interfering in a serious manner with the health, safety, rights,
13 and privileges of Alaskans, and with the public welfare;

14 (2) there is a strong and unmistakable correlation between
15 alcohol consumption and poor health, fetal damage, death, suicide, crime,
16 family violence, family instability, and child abuse;

17 (3) Alaska's suicide rate is twice the national average and the
18 rate for Alaska Natives is four times the national average; for 20 to 24
19 year old Alaska Natives the suicide rate is 26 times the national average;
20 alcoholics have a 30 times greater risk of suicide than nonalcoholics;
21 there is a detectable level of blood alcohol present in 79 percent of all
22 Native Alaskan suicides and in 59 percent of all Alaskan suicides;

23 (4) Alaskans also have one of the highest fetal alcohol syndrome
24 rates in the world;

25 (5) in order to combat the damaging effects of alcohol, many
26 communities in the state have implemented Alaska's "local option laws"
27 under which the communities elect to control the sale or possession of
28 alcohol within their boundaries, yet these same communities find themselves
29 bombarded over the state satellite television project with advertisements

1 for alcoholic beverages that associate an attractive and healthy image with
2 the consumption of alcohol; and

3 (6) there exists a legitimate state interest in seeking to
4 eliminate these advertisements from the state supported satellite tele-
5 vision project.

6 (b) The legislature intends that the Rural Alaska Television Network
7 Council and the Department of Administration should do everything possible
8 to come to an agreement with broadcast companies and television networks to
9 make it possible for advertisements promoting the use or sale of alcoholic
10 beverages to be edited from the programming that is broadcast over the
11 state satellite television project without losing the rights to broadcast
12 the programming and without increasing the cost of the programming signifi-
13 cantly.

14 * Sec. 2. AS 44.21.320(c) is amended to read:

15 (c) Except as provided in (g) of this section, decisions [DE-
16 CISIONS] and policies relating to programming under the satellite
17 television project, including scheduling and allocation policies, may
18 not be made by the department, but may only be made by a network that
19 is representative of participating rural television users, by commer-
20 cial broadcast users, or by other affected participating user groups
21 and entities under procedures provided by statute or, if no statute
22 applies, then by agreement of the affected user networks or groups.
23 The department shall assist users in preparing agreements that may be
24 required under this subsection.

25 * Sec. 3. AS 44.21.320 is amended by adding a new subsection to read:

26 (g) The satellite television project may not broadcast, or
27 accept for broadcast, programming that includes advertising that
28 promotes the use or sale of alcoholic beverages.

29 * Sec. 4. NEGOTIATIONS. (a) The Department of Administration shall

1 request that the major television networks permit the state to broadcast
2 programming over the state satellite television project without alcoholic
3 advertisements and without significantly increasing the cost of the pro-
4 gramming. The department shall invite the local television affiliates who
5 are involved in broadcasting programs over the satellite television project
6 to participate in the negotiations.

7 (b) The department shall report to the legislature by February 1,
8 1991, on the progress of the negotiations.

9 (c) If an agreement is entered into with a major television network,
10 the department shall report to the governor and to the revisor of statutes
11 concerning the terms of the agreement and the date on which the agreement
12 takes effect.

13 * Sec. 5. Sections 1 and 4 of this Act take effect immediately under
14 AS 01.10.070(c).

15 * Sec. 6. Sections 2 and 3 of this Act take effect only if, no later
16 than January 1, 1992, an agreement is entered into with a major television
17 network that permits the local television affiliates or other entities
18 broadcasting programming over the state satellite television project to
19 remove advertising that promotes the use or sale of alcoholic beverages
20 from the programming without significantly increasing the cost of the
21 programming to the state. If secs. 2 and 3 take effect, they take effect
22 on the day on which the agreement first permits the editing of the program-
23 ming.