



LAWS OF ALASKA

1978

Source

FCCS HCSSB 552

Chapter No.

152

AN ACT

Relating to alcohol.

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

* Section 1. The legislature finds that violations of AS 28.35.030 arise from misinformation about drugs or alcohol or the chronic abuse of drugs and alcohol, and further finds that participation in alcohol and drug information and rehabilitation programs is effective in preventing a recurrence of violations of AS 28.35.030.

* Sec. 2. AS 28.35.030 is amended to read:

Sec. 28.35.030. DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS. A person who, while under the influence of intoxicating liquor, depressant, hallucinogenic or stimulant drugs or narcotic drugs as defined in AS 17.10.230(13) and AS 17.12.150(3) operates or drives an automobile, motorcycle or other motor vehicle in the state, upon conviction, is punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both and the court shall impose a minimum sentence of imprisonment of not less than three consecutive days. Upon a subsequent conviction within five years after a conviction under this section, the court shall impose a minimum sentence of imprisonment of not less than 10 consecutive days. The execution of sentence may not be suspended nor may probation or parole be granted until the minimum imprisonment provided in this section has been served, nor may imposition of sentence be suspended, except upon the condition that the defendant be imprisoned for no less than the minimum period provided in this section, nor may the punishment provided for in this section be reduced under AS 11.05.150. In addition, his operator's license shall be revoked in accordance with AS 28.15.210(c). In addition, a person

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convicted under this statute shall undertake, for a term specified by the court, that program of alcohol education or rehabilitation which the court, after consideration of any information compiled under (b) of this section, finds appropriate.

* Sec. 3. AS 28.35.030 is amended by adding a new subsection to read:

(b) Except as prohibited by federal law or regulation, every provider of treatment programs to which persons are ordered under (a) of this section shall supply the Alaska court system with the information regarding the condition and treatment of those persons as the supreme court may require by rule. Information compiled under this subsection is confidential and may only be used by a court in sentencing a person convicted under (a) of this section, or by an officer of the court in preparing a presentence report for the use of the court in sentencing a person convicted under (a) of this section.

* Sec. 4. AS 47.37.210(a) is amended to read:

(a) Except as required by AS 28.35.030(b), the registration and other records of treatment facilities shall remain confidential and are privileged to the patient.

* Sec. 5. AS 44.47 is amended by adding new sections to read:

ARTICLE 8. THE TEMPERATE SOCIAL ACTIVITIES REVOLVING LOAN FUND.

Sec. 44.47.320. FUND ESTABLISHED. There is established in the Department of Community and Regional Affairs the revolving loan fund for temperate social activities to carry out the purposes of secs. 320 - 350 of this chapter. Loans made under secs. 320 - 350 of this chapter are to be used to foster social activities at which alcohol is not served or consumed. The fund may be used for no other purpose.

Sec. 44.47.330. POWERS AND DUTIES OF THE OFFICE IN ADMINISTERING THE FUND. (a) The Department of Community and Regional Affairs may

(1) make loans for the purchase, construction, and modification of buildings in which social activities at which alcohol is not served or consumed may be held; however loans may be made only in communities with a population of less than 5,000;

(2) promulgate regulations necessary to carry out the provisions of secs. 320 - 350 of this chapter.

(b) The Department of Community and Regional Affairs shall develop eligibility standards for loans made under secs. 320 - 350 of this chapter and adopt guidelines for the determination of loan terms.

Sec. 44.47.340. LOAN TERMS. (a) A loan for the fostering of temperate social activities under secs. 320 - 350 of this chapter may not exceed \$10,000.

(b) The duration for repayment of the loan may not

exceed 20 years.

(c) Loans made under secs. 320 - 350 of this chapter may be used to finance no more than 80 per cent of the cost of purchase, construction, and modification of buildings to be used for temperate social activities.

(d) All principal and interest payments on loans made under secs. 320 - 350 of this chapter shall be paid into the revolving loan fund for temperate social activities.

(e) The rate of interest may not exceed eight per cent a year on the unpaid balance of the loan.

(f) Loans made under secs. 320 - 350 of this chapter may be used to finance the purchase, construction, and modification of no more than one building.

(g) Only one loan may be made in a community.

Sec. 44.47.350. SALE OR TRANSFER OF MORTGAGES AND NOTES. (a) The commissioner of community and regional affairs may sell or transfer at par value or at a premium or discount to any bank or other private purchaser for cash or other consideration the mortgages and notes held by the Department of Community and Regional Affairs as security for loans made under this chapter.

(b) The commissioner of community and regional affairs may sell or transfer at par value to the Department of Revenue the mortgages and notes held by the Department of Community and Regional Affairs as security for loans made under this chapter. The Department of Revenue shall purchase all of these mortgages and notes offered, allowing the Department of Community and Regional Affairs a one-half of one per cent service fee.