

LEG. FINANCE - BILLS 1983 - 1984 1957
HB 611 cont. - HD 626 1957

1 * Sec. 35. AS 08.36.320(c) is amended to read:

2 (c) The board may summarily suspend a license before final
3 hearing or during the appeals process if the board finds that con-
4 tinued practice by the licensee poses a clear and immediate danger to
5 the public health and safety. The board may summarily suspend the
6 license of a licensee who refuses to submit to a physical or mental
7 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO
8 PRACTICE]. A person whose license is suspended under this section is
9 [SHALL BE] entitled to a hearing by the board no later than seven days
10 after the effective date of the order. If, after a hearing, the board
11 upholds the suspension, the [THE] licensee may appeal the suspension
12 [AFTER A HEARING] to a court of competent jurisdiction.

13 * Sec. 36. AS 08.36.340 is amended to read:

14 Sec. 08.36.340. PENALTIES. A person who violates any provision
15 of [AS 08.32 OR] this chapter or regulations adopted under this chap-
16 ter for which no specific penalty is provided is guilty of a class B
17 misdemeanor.

18 * Sec. 37. AS 08.36.350 is amended to read:

19 Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter
20 applies to a person who practices, or offers or attempts to practice
21 dentistry in the state except

22 (1) a dental surgeon [SURGEONS] or dentist [DENTISTS] in
23 the military service in the discharge of official duties;

24 [(2) Repealed]

25 (2) [(3)] a dentist [DENTISTS] in the employ of the United
26 States Public Health Service, United States Veterans' Administration,
27 Alaska Native Service, or other agency of the federal government [OR
28 DEPARTMENT OF HEALTH AND SOCIAL SERVICES], in the discharge of offi-
29 cial duties;

1 (3) a physician or surgeon
2 [(4) CLINICIANS DEMONSTRATING AT MEETINGS OF DENTISTS AP-
3 PROVED BY THE BOARD;
4 (5) PHYSICIANS AND SURGEONS];
5 (4) a dentist [(6) DENTISTS IN THE EMPLOY OF THE UNITED
6 STATES PUBLIC HEALTH SERVICE] providing care in an isolated area by
7 authority of a permit issued under AS 08.36.271;
8 (5) a dentist licensed in another state who is teaching or
9 demonstrating clinical techniques at a meeting, seminar or limited
10 course of instruction sponsored by a dental or dental auxiliary soci-
11 ety or association or by an accredited dental or dental auxiliary
12 educational institution;
13 (6) a dentist licensed in another state who provides emer-
14 gency care to an injured or ill person who reasonably appears to the
15 dentist to be in immediate need of emergency aid in order to avoid
16 serious harm or death if the care is provided without remuneration.
17 (b) A person excepted from this chapter under (a) of this sec-
18 tion shall be held to the same standard of care as a person covered by
19 this chapter.
20 * Sec. 38. AS 08.36.360 is amended to read:
21 Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages
22 in the practice of dentistry who
23 (1) performs or holds out to the public as being able to
24 perform dental operations;
25 (2) diagnoses, treats, operates on, corrects, [OR] attempts
26 to correct, or prescribes for, a disease, lesion, pain, injury, defi-
27 ciency, deformity, or physical condition, malocclusion or malposition
28 of the human teeth, alveolar process, gingiva, maxilla, mandible, or
29 [GUMS OR JAWS AND] adjacent tissues;

1 (3) performs or attempts to perform an operation incident
2 to the replacement of teeth;

3 (4) furnishes, supplies, constructs, reproduces, or repairs
4 [PROSTHETIC] dentures, bridges, appliances or other structures to be
5 used and worn as substitutes for natural teeth, except on prescription
6 of a duly licensed and registered dentist and by the use of impres-
7 sions or casts made by a duly licensed and registered dentist;

8 (5) uses the words [WORD] "dentist" or "dental surgeon" or
9 the letters D.D.S. or D.M.D. or other letter or title that [WHICH]
10 represents the dentist as engaging in the practice of dentistry;

11 (6) extracts or attempts to extract human teeth;

12 (7) exercises control over professional dental matters or
13 the operation of dental equipment in [OWNS, MANAGES OR OPERATES] a
14 facility [PLACE] where the acts and things described in this section
15 are performed or done.

16 * Sec. 39. AS 08.36 is amended by adding a new section to read:

17 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this
18 state may

19 (1) practice in an association, partnership, corporation or
20 other lawful entity with other dentists including specialists;

21 (2) practice under the name of "dental center" or other
22 descriptive term that does not deceive the public about the nature of
23 the services provided;

24 (3) supervise research that would otherwise violate this
25 chapter or regulations adopted under this chapter when the research
26 does not involve treatment of dental patients if the research is
27 performed by a nonprofit dental research institution chartered by this
28 state or by a dental or dental auxiliary school accredited by the
29 Commission on Accreditation of the American Dental Association, or its

1 successor agency;

2 (4) supervise research that would otherwise violate this
3 chapter or regulations adopted under this chapter when the research
4 involves the treatment of dental patients if the research is performed
5 by a nonprofit dental research institution chartered by this state or
6 by a dental or dental auxiliary school accredited by the commission on
7 Accreditation of the American Dental Association, or its successor
8 agency, and if the dentist notifies the board in writing, at least 60
9 days before beginning the treatment, of the intended practices or
10 procedures and the board does not disapprove the research.

11 * Sec. 40. AS 08.36.140, 08.36.150, 08.36.170, 08.36.200 and 08.36.280
12 are repealed.

Offered: 4/13/84
Referred: Health, Education &
Social Services and Finance

Original sponsor: Furnace

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 611 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL.

6 For an Act entitled: "An Act relating to dentists and dental hygienists."

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

8 * Section 1. AS 08.32.010 is amended to read:

9 Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.-
10 32.095, a person may not practice, offer or attempt to practice, or
11 advertise or announce as being prepared or qualified to practice
12 dental hygiene without a license and a current certificate of regis-
13 tration.

14 * Sec. 2. AS 08.32.020(a) is amended to read:

15 (a) An applicant for examination shall submit information that
16 the person is [BE]

17 (1) [Repealed by sec. 32 ch 49 SLA 1980.

18 (2)] at least 18 years of age;

19 (2) [(3)] a graduate of an accredited high school;

20 (3) [(4)] a graduate or on the date of examination will be
21 a graduate of a dental hygiene school that [WHICH] requires at least a
22 two-year course and is accredited by the Commission on Accreditation
23 of Dental and Dental Auxiliary Education Programs of the American
24 Dental Association; and

25 (4) [(5)] an examinee who has successfully completed the
26 [NATIONAL BOARD OF DENTAL EXAMINERS'] written theory examination of
27 the American Dental Association Joint Commission on National Dental
28 Examinations or an equivalent written examination given by the board,
29 thereby demonstrating satisfactory theoretical knowledge of dental and

1 basic biomedical sciences.

2 * Sec. 3. AS 08.32.030 is amended to read:

3 Sec. 08.32.030. LICENSURE BY CREDENTIALS. The board may provide
4 for the licensing without examination of a dental hygienist who

5 (1) meets the criteria of AS 08.32.020(a);

6 (2) has successfully passed a state or regional dental
7 hygiene clinical examination which the board has determined is at
8 least equivalent in scope, quality, and difficulty to the Alaska
9 clinical examination;

10 (3) has been in active clinical dental hygiene practice
11 averaging no less than 14 hours per week for each of the two years
12 immediately preceding application for state licensure;

13 (4) has not failed the clinical dental hygiene examination
14 of this state;

15 (5) has not previously had a license to practice dental
16 hygiene issued by any state or region revoked;

17 (6) is personally interviewed by a board member;

18 (7) pays the [ALL] fees required under AS 08.32.097
19 [AS 08.36.290]; and

20 (8) is not a subject of an unresolved complaint, review
21 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]
22 dental or dental hygiene licensing jurisdiction [HYGIENICS ASSOCIA-
23 TION].

24 * Sec. 4. AS 08.32 is amended by adding a new section to read:

25 Sec. 08.32.035. TEMPORARY LICENSE. (a) The board may issue
26 without examination a temporary license to an applicant for examina-
27 tion who is licensed to practice dental hygiene in another state and
28 who meets the criteria of AS 08.32.030 but who has been in active
29 clinical practice for less than two years immediately preceding

1 application. A temporary license expires at the time notice is given
2 of the results of the next scheduled examination and may not be
3 reissued.

4 (b) A person practicing dental hygiene under (a) of this section
5 is subject to all other provisions of this chapter and laws and regu-
6 lations that apply to the practice of dental hygiene in this state.

7 (c) Time in active clinical dental hygiene practice under a
8 temporary license may not be credited toward licensure by credentials
9 under AS 08.32.030.

10 * Sec. 5. AS 08.32.040 is amended to read:

11 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-
12 nation or determination of qualification for licensing under AS 08.-
13 32.030 or 08.32.035 [BY CREDENTIALS] shall be signed by the applicant
14 and accompanied by the applicant's certificate of graduation from an
15 accredited dental hygiene school and the required fees [FEE PROVIDED
16 UNDER AS 08.36.290(1)].

17 * Sec. 6. AS 08.32.060 is amended to read:

18 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. (a) The
19 examination shall be held at [THE SAME] times and places determined by
20 the board. The examination shall be designed to test the qualifica-
21 tions of the applicant to practice dental hygiene and shall consist of
22 a written and a clinical examination.

23 (b) The subjects of the written examination shall include dental
24 radiology, the state's laws on the practice of dental hygiene, and
25 other subjects selected in accordance with the trends of dental hy-
26 giene education and professional and technical advances [AS THE EX-
27 AMINATION OF DENTISTS UNDER AS 08.36.130].

28 (c) The clinical examination shall test the applicant's skill in
29 clinical procedures [COVER SUBJECTS] considered essential by the board

1 for the practice of dental hygiene including [A CLINICAL EXAMINATION
2 ON] the removal of calcareous deposits, accretions, and stains from
3 the exposed surfaces of the teeth beginning at the epithelial attach-
4 ment by scaling and polishing techniques. α

5 (d) The board may require an applicant to pass a laboratory
6 examination as a prerequisite to admission to the clinical examination
7 if the board has reason to believe the applicant cannot practice
8 safely on a clinical patient.

9 * Sec. 7. AS 08.32.070 is amended to read:

10 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.
11 The [IF THE APPLICANT PASSES THE EXAMINATION, THE] board shall regis-
12 ter each successful [THE] applicant and issue the applicant a license
13 upon payment of all required fees [REQUIRED UNDER AS 08.36.290. A
14 LICENSED DENTAL HYGIENIST SHALL RENEW REGISTRATION AND OFFER PROOF OF
15 CONTINUED COMPETENCY AS REQUIRED BY REGULATION OF THE BOARD EVERY FOUR
16 YEARS].

17 * Sec. 8. AS 08.32 is amended by adding a new section to read:

18 Sec. 08.32.071. RENEWAL OF REGISTRATION. A registration certif-
19 icate is valid for four years. At least 60 days before expiration of
20 a licensee's registration certificate, the division of occupational
21 licensing shall mail a form for renewal of registration to each li-
22 censed dental hygienist. Each licensee who wishes to renew a regis-
23 tration certificate shall complete the form and return it with the
24 appropriate fee and evidence of continued professional competence as
25 required by the board. The division of occupational licensing shall,
26 as soon as practicable, issue a registration certificate valid for a
27 stated number of years. Each licensee shall keep the registration
28 certificate beside or attached to the licensee's license. Failure to
29 receive the registration form does not exempt a licensee from renewing

1 registration.

2 * Sec. 9. AS 08.32.081 is amended to read:

3 Sec. 08.32.081. LAPSE AND REINSTATEMENT OF LICENSE. A [THE
4 FAILU... NEGLECT, OR REFUSAL OF A] licensed dental hygienist who does
5 not [TO] pay the renewal registration fee forfeits [CONSTITUTES A
6 FORFEITURE OF] the hygienist's license. The board may reinstate the
7 license without examination within two years of the date on which
8 payment was due upon written application, proof of continued profes-
9 sional competence [COMPETENCY], and payment of all unpaid renewal fees
10 and any penalty fee established under AS 08.01.100(b) [REQUIRED UNDER
11 AS 08.36.290].

12 * Sec. 10. AS 08.32 is amended by adding a new section to read:

13 Sec. 08.32.097. FEES. The department shall, by regulations
14 adopted under AS 08.01.065, establish fees for dental hygienists for
15 the following:

- 16 (1) filing an examination and licensing application;
- 17 (2) examination fee;
- 18 (3) credential fee;
- 19 (4) initial license;
- 20 (5) registration fee;
- 21 (6) filing a reexamination application;
- 22 (7) duplicate license;
- 23 (8) delinquent registration.

24 * Sec. 11. AS 08.32.110(a) is amended to read:

25 (a) The role of the dental hygienist is to assist members of the
26 dental profession in providing oral health care to the public. A
27 person licensed to practice the profession of dental hygiene in the
28 state may

- 29 (1) remove calcareous deposits, accretions, and stains from

1 the exposed surfaces of the teeth beginning at the epithelial attach-
2 ment by scaling and polishing techniques;

3 (2) apply topical preventive or prophylactic agents;

4 (3) apply pit and fissure sealants;

5 (4) perform root planing and peridontal soft tissue curet-
6 tage; [AND]

7 (5) perform other dental operations and services delegated
8 by a licensed dentist if the dental operations and services are not
9 prohibited by (c) of this section; and

10 (6) if certified by the board and under the direct super-
11 vision of a licensed dentist, administer local anesthetic agents.

12 * Sec. 12. AS 08.32.110(b) is amended to read:

13 (b) The board shall specify by regulation those additional
14 [INTRA-ORAL] functions that [WHICH] may be performed by a licensed
15 dental hygienist only upon successful completion of a formal course of
16 instruction approved by the board. The board shall promulgate regula-
17 tions specifying the education requirements, evaluation procedures,
18 and degree of supervision required for each function.

19 * Sec. 13. AS 08.32.160 is amended to read:

20 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
21 OF LICENSE. The board may revoke or suspend the license of a dental
22 hygienist, or [THE LICENSEE] may reprimand, censure [BE REPRIMANDED,
23 CENSURED], or discipline a licensee, if, after a hearing, [DISCIPLINED
24 WHEN] the board finds [AFTER A HEARING] that the licensee

25 (1) used or knowingly cooperated in [SECURED A LICENSE
26 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a
27 license or registration;

28 (2) engaged in deceit, fraud, or intentional misrepresenta-
29 tion in the course of providing or billing for professional services

- 1 or engaging in professional activities;
- 2 (3) advertised professional services in a false or mislead-
- 3 ing manner;
- 4 (4) has been convicted of a felony or other crime that
- 5 [WHICH] affects the licensee's ability to continue to practice compe-
- 6 tently and safely;
- 7 (5) failed to comply with this chapter, with a regulation
- 8 adopted under this chapter or under AS 08.36, or with an order of the
- 9 board;
- 10 (6) continued to practice after becoming unfit due to
- 11 (A) professional incompetence;
- 12 (B) addiction or dependence [SEVERE DEPENDENCY] on
- 13 alcohol or other drugs that [WHICH] impairs the licensee's abil-
- 14 ity to practice safely;
- 15 (C) physical or mental disability;
- 16 (D) failure to keep informed of or use current profes-
- 17 sional theories and practices;
- 18 (7) engaged in lewd or immoral conduct in connection with
- 19 the delivery of professional service to patients;
- 20 (8) performed clinical procedures for compensation without
- 21 being under the supervision of a licensed dentist.
- 22 * Sec. 14. AS 08.32 is amended by adding a new section to read:
- 23 Sec. 08.32.171. DISCIPLINARY SANCTIONS. (a) If it finds that a
- 24 dental hygienist is guilty of an offense under AS 08.32.160, the board
- 25 may impose the following sanctions singly or in combination:
- 26 (1) permanently revoke a license to practice;
- 27 (2) suspend a license for a stated period of time;
- 28 (3) censure a licensee;
- 29 (4) issue a letter of reprimand;

1 (5) place a licensee on probationary status and require the
2 licensee to

3 (A) report regularly to the board upon matters involv-
4 ing the basis of probation;

5 (B) limit practice to those areas prescribed;

6 (C) continue professional education until the licensee
7 attains a satisfactory level of competence in those areas deter-
8 mined by the board to need improvement;

9 (6) impose limitations or conditions on the practice of a
10 licensee.

11 (b) The board may withdraw probationary status if it finds that
12 the deficiencies that required the sanction have been remedied.

13 (c) The board may summarily suspend a license before final
14 hearing or during the appeals process if the board finds that con-
15 tinued practice by the licensee poses a clear and immediate danger to
16 the public health and safety. The board may summarily suspend the
17 license of a licensee who refuses to submit to a physical or mental
18 examination under AS 08.36.070(b)(1). A person whose license is
19 suspended under this section is entitled to a hearing by the board no
20 later than seven days after the effective date of the order. If,
21 after a hearing, the board upholds the suspension, the licensee may
22 appeal the suspension to a court of competent jurisdiction.

23 (d) The board may reinstate a license that has been suspended or
24 revoked if the board finds after a hearing that the applicant is able
25 to practice with skill and safety.

26 (e) The board shall seek consistency in the application of
27 disciplinary sanctions and shall issue findings of fact or orders to
28 explain a significant departure from prior decisions.

29 * Sec. 15. AS 08.32.180 is amended to read:



1 Sec. 08.32.180. VIOLATION. A person who violates a provision of
2 this chapter or a regulation adopted under this chapter [OR WHO FAILS
3 TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, A PENALTY] for which
4 a penalty is not otherwise provided [,] is guilty of a class B misde-
5 meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
6 \$100].

7 * Sec. 16. AS 08.32 is amended by adding a new section to read:

8 Sec. 08.32.187. APPLICATION OF CHAPTER. (a) This chapter
9 applies to a person who practices, or offers or attempts to practice,
10 as a dental hygienist in the state except

11 (1) a dental hygienist in the military service in the
12 discharge of official duties;

13 (2) a dental hygienist in the employ of the United States
14 Public Health Service, United States Veterans' Administration, Alaska
15 Native Service, or another agency of the federal government, in the
16 discharge of official duties;

17 (3) a dental hygienist licensed in another state who is
18 teaching or demonstrating clinical techniques at a meeting, seminar,
19 or limited course of instruction sponsored by a dental or dental
20 auxiliary society or association or by an accredited dental or dental
21 auxiliary educational institution.

22 (b) A person excepted from this chapter under (a) of this sec-
23 tion shall be held to the same standard of care as a person covered by
24 this chapter.

25 * Sec. 17. AS 08.36.010 is amended to read:

26 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
27 created the Board of Dental Examiners consisting of seven members.
28 Four members shall be licensed [QUALIFIED RESIDENT] dentists who have
29 been engaged in the practice of dentistry in the state for five years

1 immediately preceding appointment, one member shall be a dental hy-
2 gienist licensed under AS 08.32 who has been engaged in the practice
3 of dental hygiene in the state for five years immediately preceding
4 appointment, and two members shall be public members.

5 * Sec. 18. AS 08.36.025 is amended to read:

6 Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A
7 member of the board may be removed from office by the governor for
8 cause. The board may by regulation provide that unexcused absences
9 from meetings constitute cause for removal. A member against whom an
10 accusation has been filed under AS 44.62 for violation of AS 08.32.160
11 or AS 08.36.315 is suspended from the board until the decision of the
12 board on the accusation takes effect under AS 44.62.520.

13 * Sec. 19. AS 08.36.040 is amended to read:

14 Sec. 08.36.040. MEETINGS. The board shall meet at the call of
15 the president at least four times annually [AS OFTEN AS,] and at other
16 [THE] times [AND PLACES,] necessary to conduct its business. In the
17 absence of a call of the president, a majority of the board may call a
18 meeting.

19 * Sec. 20. AS 08.36 is amended by adding a new section to read:

20 Sec. 08.36.061. REIMBURSEMENT FOR EXPENSES. Board members are
21 entitled to per diem and travel expenses authorized for boards and
22 commissions under AS 39.20.180. The department shall reimburse a
23 member for other actual, reasonable expenses incurred in carrying out
24 duties as a board member.

25 * Sec. 21. AS 08.36.070 is amended to read:

26 Sec. 08.36.070. GENERAL POWERS. (a) The board shall [HAVE, BUT
27 NOT BY WAY OF LIMITATION, THE FOLLOWING POWERS AND DUTIES]:

28 (1) [TO] examine applicants and issue licenses to those
29 applicants it finds qualified;

1 (2) [TO] register licensed dentists and licensed dental
2 hygienists who are in good standing;

3 (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS PROCEED-
4 INGS] to the governor and [TO MEMBERS OF] the department on the
5 board's proceedings during the year, findings concerning the standards
6 and availability of dental services in the state including the number
7 of licensees, examination and licensing activities, other matters
8 related to dental practice, and board receipts and expenditures
9 [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY RECEIVED AND
10 DISBURSED];

11 (4) [TO] affiliate with the American Association of Dental
12 Examiners, and pay annual dues to the association;

13 (5) [TO] hold hearings, and order the disciplinary sanction
14 of a person who violates this chapter, AS 08.32, or a regulation [THE
15 REGULATIONS] of the board;

16 (6) [TO] supply forms for applications, licenses, permits,
17 certificates, and other papers and records;

18 (7) [TO] enforce the provisions of this chapter and
19 AS 08.32 and adopt or amend the regulations necessary to make the pro-
20 visions of this chapter and AS 08.32 effective;

21 (8) [TO] adopt regulations ensuring [INSURING] that renewal
22 of registration is contingent upon proof of continued professional
23 competence [COMPETENCY] by a licensed dentist or licensed dental
24 hygienist;

25 (9) [TO] provide the department with the requirements for
26 proof of continued professional competence [COMPETENCY] and [TO] re-
27 quest the department to make these requirements available to each li-
28 censed dentist and licensed dental hygienist at least one year before
29 the date on which the dentist or dental hygienist must renew

- 1 (2) [TO] register licensed dentists and licensed dental
2 hygienists who are in good standing;
- 3 (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS PROCEED-
4 INGS] to the governor and [TO MEMBERS OF] the department on the
5 board's proceedings during the year, findings concerning the standards
6 and availability of dental services in the state including the number
7 of licensees, examination and licensing activities, other matters
8 related to dental practice, and board receipts and expenditures
9 [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY RECEIVED AND
10 DISBURSED];
- 11 (4) [TO] affiliate with the American Association of Dental
12 Examiners, and pay annual dues to the association;
- 13 (5) [TO] hold hearings, and order the disciplinary sanction
14 of a person who violates this chapter, AS 08.32, or a regulation [THE
15 REGULATIONS] of the board;
- 16 (6) [TO] supply forms for applications, licenses, permits,
17 certificates, and other papers and records;
- 18 (7) [TO] enforce the provisions of this chapter and
19 AS 08.32 and adopt or amend the regulations necessary to make the pro-
20 visions of this chapter and AS 08.32 effective;
- 21 (8) [TO] adopt regulations ensuring [INSURING] that renewal
22 of registration is contingent upon proof of continued professional
23 competence [COMPETENCY] by a licensed dentist or licensed dental
24 hygienist;
- 25 (9) [TO] provide the department with the requirements for
26 proof of continued professional competence [COMPETENCY] and [TO] re-
27 quest the department to make these requirements available to each li-
28 censed dentist and licensed dental hygienist at least one year before
29 the date on which the dentist or dental hygienist must renew

1 a license to practice dentistry may apply to the board for an examina-
2 tion and license by submitting information that the applicant is a
3 graduate or on the date of the examination will be a graduate of a
4 dental college accredited by the Commission on Accreditation of the
5 American Dental Association, or its successor agency, at the time of
6 graduation, and holds a certificate from the American Dental Associa-
7 tion Joint Commission on National Dental Examinations that the appli-
8 cant has passed the written examination given by the commission
9 [D.D.S. OR D.M.D. DEGREE OR THE EQUIVALENT].

10 * Sec. 24. AS 08.36.120 is amended to read:

11 Sec. 08.36.120. SIGNING, PHOTOGRAPH AND FILING DATE OF APPLICA-
12 TION. Each applicant shall submit a recent unmounted, autographed
13 photograph of the applicant. Applications shall be signed by the
14 applicant and filed at least 45 [30] days before the date scheduled
15 for an examination.

16 * Sec. 25. AS 08.36.160 is amended to read:

17 Sec. 08.36.160. CONTENTS OF EXAMINATION. (a) The examination
18 shall be designed [CLINICAL AND WRITTEN AND OF SUCH A CHARACTER AS] to
19 test [IN A SATISFACTORY MANNER] the qualifications of the applicant to
20 practice dentistry and [. THE EXAMINATION] shall consist of a written
21 and a clinical examination. [THE FOLLOWING:]

22 (b) [(1)] The subjects of the written examination shall include
23 dental radiology, the state's laws on the practice of dentistry, and
24 other subjects [BE] selected in accordance with the trend of dental
25 education and professional and technical advances [AS DETERMINED BY
26 THE COUNCIL OF DENTAL EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

27 (c) [(2)] The clinical examination [APPLICANT] shall test the
28 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry
29 or any procedures selected by the board from procedures [AS]

1 recommended by the American Dental Association Joint Commission on
2 National [OF] Dental Examinations [EXAMINERS].

3 (d) The board may require an applicant to pass a laboratory ex-
4 amination as a prerequisite to admission to the clinical examination
5 if the board has reason to believe the applicant cannot practice
6 safely on a clinical patient.

7 * Sec. 26. AS 08.36.230 is amended to read:

8 Sec. 08.36.230. PRACTICE OUTSIDE THE STATE. A dentist licensed
9 to practice in this state and residing and practicing dentistry out-
10 side [OF] this state, may maintain eligibility to practice in this
11 state by registering the dentist's name and place of residence with
12 the division of occupational licensing every four years and submitting
13 proof of continued professional competence [COMPETENCY] as required by
14 the board. If the dentist fails to register, the board may reinstate
15 the dentist's license without examination upon payment of applicable
16 fees established by regulations adopted under AS 08.01.065, payment of
17 a penalty established under AS 08.01.100(b) [OF \$25, PAYMENT OF THE
18 DELINQUENT REGISTRATION FEE UNDER AS 08.36.290(10)], presentation of
19 proof of continued professional competence [COMPETENCY], and presenta-
20 tion of proof of active practice certified by the dental board having
21 jurisdiction or, if there is no board with jurisdiction, by evidence
22 satisfactory to the board.

23 * Sec. 27. AS 08.36.234 is amended to read:

24 Sec. 08.36.234. LICENSURE BY CREDENTIALS. The board may provide
25 for the licensing without examination of a dentist who

26 (1) is a graduate of a dental college accredited [APPROVED]
27 by the Commission on Accreditation of the American Dental Association,
28 or its successor agency, and holds a certificate from the American
29 Dental Association Joint Commission on National Dental Examinations

1 that the dentist has passed the written examination given by the
2 commission;

3 (2) has been licensed to practice dentistry in another
4 state, territory, or region with licensing requirements at least
5 equivalent in scope, quality and difficulty to [SIMILAR TO OR HIGHER
6 THAN] those of this state at the time of licensure;

7 (3) has been engaged in continuous active practice averag-
8 ing at least 20 hours per week for each of the five years immediately
9 preceding the application;

10 (4) is not the subject of an unresolved complaint, review
11 procedure, or disciplinary proceeding undertaken by a [PROFESSIONAL]
12 dental licensing jurisdiction [ASSOCIATION];

13 (5) has not previously had a license to practice dentistry
14 revoked;

15 (6) has not failed the clinical examination of this state;

16 (7) is personally interviewed by the board;

17 (8) pays all required fees [REQUIRED UNDER AS 08.36.290].

18 * Sec. 28. AS 08.36.240 is amended to read:

19 Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The
20 board shall issue a license to each successful dentist applicant who
21 has paid the required fees. [THE HOLDER OF A LICENSE SHALL REGISTER
22 IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT IN THE JUDICIAL
23 DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.] The licensee shall
24 display the license in a conspicuous place where the licensee prac-
25 tices.

26 * Sec. 29. AS 08.36.246 is amended to read:

27 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An
28 applicant for a specialty license shall [MUST]

29 (1) possess a license to practice dentistry in the state;

1 [, AND]

2 (2) have completed as many [TWO OR MORE] academic years of
3 advanced education in the specialty as are required by the appropriate
4 specialty board in a program accredited by the Commission on Accredi-
5 tation of the American Dental Association or its successor agency; and

6 (3) be a diplomate or the equivalent of the appropriate
7 specialty board, or be eligible to be examined for diplomate status as
8 documented by an organization recognized by the American Dental Asso-
9 ciation.

10 (b) The provisions [PROVISION] of (a)(2) and (3) of this section
11 do [DOES] not apply to dentists who limit [HAVE LIMITED] their prac-
12 tice exclusively and who ethically announce [ANNOUNCED] limitation of
13 practice in accordance with the Principles of Ethics and Code of
14 Professional Conduct of the American Dental Association [POLICY BEFORE
15 JULY 23, 1968].

16 * Sec. 30. AS 08.36.247(a) is amended to read:

17 (a) A specialty license may not be issued unless the applicant
18 presents proof satisfactory to the board that the applicant is quali-
19 fied to practice that specialty. A specialist licensed in that speci-
20 alty shall participate as a voting member of the board in the licens-
21 ing procedures.

22 * Sec. 31. AS 08.36.250 is amended to read:

23 Sec. 08.36.250. RENEWAL OF REGISTRATION. (a) A registration
24 certificate is valid for four years. At least 60 days before expira-
25 tion of a licensee's registration certificate [JANUARY 1 OF EVERY
26 FOURTH YEAR], the division of occupational licensing shall mail a form
27 for renewal of registration to each licensed dentist [AND LICENSED
28 DENTAL HYGIENIST]. Each licensee who wishes to renew a license shall
29 complete the form and return it [TOGETHER] with the appropriate

1 [REGISTRATION] fee and evidence [OFFER PROOF] of continued profes-
2 sional competence [COMPETENCY] as required by the board. The division
3 of occupational licensing shall, as soon as practicable, issue a
4 registration certificate valid for a stated number of [THE] years [FOR
5 WHICH IT IS ISSUED]. Each licensee shall keep the registration cer-
6 tificate beside or attached to the licensee's license. Failure to
7 receive the registration form does not exempt a licensee from renewing
8 registration.

9 (b) When applying for license renewal, a dentist shall report to
10 the board each instance during the prior registration period in which
11 the quality of the licensee's professional services was the subject of
12 legal action.

13 * Sec. 32. AS 08.36.290 is repealed and reenacted to read:

14 Sec. 08.36.290. FEES. The department shall, by regulations
15 adopted under AS 08.01.065, establish fees for dentists for the fol-
16 lowing:

- 17 (1) filing an examination and licensing application;
- 18 (2) examination fee;
- 19 (3) credential review;
- 20 (4) initial license;
- 21 (5) registration fee;
- 22 (6) filing a reexamination application;
- 23 (7) specialty license;
- 24 (8) branch office registration;
- 25 (9) duplicate license;
- 26 (10) delinquent registration.

27 * Sec. 33. AS 08.36.315 is amended to read:

28 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
29 OF LICENSE. The board may revoke or suspend the license of a dentist,

1 or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,
2 or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board
3 finds after a hearing that the dentist

4 (1) used or knowingly cooperated in [SECURED A LICENSE
5 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a
6 license;

7 (2) engaged in deceit, fraud, or intentional misrepresenta-
8 tion in the course of providing or billing for professional dental
9 services or engaging in professional activities;

10 (3) advertised professional dental services in a false or
11 misleading manner;

12 (4) has been convicted of a felony or other crime that
13 [WHICH] affects the dentist's ability to continue to practice den-
14 tistry competently and safely;

15 (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in the perfor-
16 mance of patient care, or permitted the performance of patient care by
17 persons under the dentist's supervision, that [WHICH] does not conform
18 to minimum professional standards of dentistry regardless of whether
19 actual injury to the patient occurred;

20 (6) failed to comply with this chapter, with a regulation
21 adopted under this chapter, or with an order of the board;

22 (7) continued to practice after becoming unfit due to

23 (A) professional incompetence;

24 (B) failure to keep informed of or use current profes-
25 sional theories or practices;

26 (C) addiction or dependence [SEVERE DEPENDENCY] on
27 alcohol or other drugs that [WHICH] impairs the dentist's ability
28 to practice safely;

29 (D) physical or mental disability;

1 (8) engaged in lewd or immoral conduct in connection with
2 the delivery of professional service to patients;

3 (9) permitted a dental hygienist or dental assistant who is
4 employed by the dentist or working under the dentist's supervision to
5 perform a dental procedure in violation of [OTHER THAN THOSE PERMITTED
6 UNDER] AS 08.32.110 or AS 08.36.070(a)(11);

7 (10) failed to report to the board a death that occurred on
8 the premises used for the practice of dentistry within 48 hours.

9 * Sec. 34. AS 08.36.320(a) is amended to read:

10 (a) If [WHEN] it finds that a dentist [OR DENTAL HYGIENIST] is
11 guilty of an offense under [AS 08.32.160 OR] AS 08.36.315, the board
12 may impose the following sanctions singly or in combination:

13 (1) permanently revoke a license to practice;
14 (2) suspend a license for a stated [DETERMINATE] period of
15 time;

16 (3) censure a licensee;

17 (4) issue a letter of reprimand;

18 (5) place a licensee on probationary status and require the
19 licensee to

20 (A) report regularly to the board upon matters involv-
21 ing the basis of probation;

22 (B) limit practice to those areas prescribed;

23 (C) continue professional education until the licensee
24 attains a satisfactory level of competence [DEGREE OF SKILL HAS
25 BEEN ATTAINED] in those areas determined by the board to need
26 improvement;

27 (6) impose limitations or conditions on the practice of a
28 licensee.

29 * Sec. 35. AS 08.36.320(c) is amended to read:

1 (c) The board may summarily suspend a license before final
2 hearing or during the appeals process if the board finds that con-
3 tinued practice by the licensee poses a clear and immediate danger to
4 the public health and safety. The board may summarily suspend the
5 license of a licensee who refuses to submit to a physical or mental
6 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO
7 PRACTICE]. A person whose licen is suspended under this section is
8 [SHALL BE] entitled to a hearing by the board no later than seven days
9 after the effective date of the order. If, after a hearing, the board
10 upholds the suspension, the [THE] licensee may appeal the suspension
11 [AFTER A HEARING] to a court of competent jurisdiction.

12 * Sec. 36. AS 08.36.340 is amended to read:

13 Sec. 08.36.340. PENALTIES. A person who violates any provision
14 of [AS 08.32 OR] this chapter or regulations adopted under this chap-
15 ter for which no specific penalty is provided is guilty of a class B
16 misdemeanor.

17 * Sec. 37. AS 08.36.350 is amended to read:

18 Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter
19 applies to a person who practices, or offers or attempts to practice
20 dentistry in the state except

21 (1) a dental surgeon [SURGEONS] or dentist [DENTISTS] in
22 the military service in the discharge of official duties;

23 [(2) Repealed]

24 (2) [(3)] a dentist [DENTISTS] in the employ of the United
25 States Public Health Service, United States Veterans' Administration,
26 Alaska Native Service, or other agency of the federal government [OR
27 DEPARTMENT OF HEALTH AND SOCIAL SERVICES], in the discharge of offi-
28 cial duties;

29 (3) a physician or surgeon

1 [(4) CLINICIANS DEMONSTRATING AT MEETINGS OF DENTISTS AP-
2 PROVED BY THE BOARD;

3 (5) PHYSICIANS AND SURGEONS];

4 (4) a dentist [(6) DENTISTS IN THE EMPLOY OF THE UNITED
5 STATES PUBLIC HEALTH SERVICE] providing care in an isolated area by
6 authority of a permit issued under AS 08.36.271;

7 (5) a dentist licensed in another state who is teaching or
8 demonstrating clinical techniques at a meeting, seminar or limited
9 course of instruction sponsored by a dental or dental auxiliary soci-
10 ety or association or by an accredited dental or dental auxiliary
11 educational institution;

12 (6) a dentist licensed in another state who provides emer-
13 gency care to an injured or ill person who reasonably appears to the
14 dentist to be in immediate need of emergency aid in order to avoid
15 serious harm or death if the care is provided without remuneration.

16 (b) A person excepted from this chapter under (a) of this sec-
17 tion shall be held to the same standard of care as a person covered by
18 this chapter.

19 * Sec. 38. AS 08.36.360 is amended to read:

20 Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages
21 in the practice of dentistry who

22 (1) performs or holds out to the public as being able to
23 perform dental operations;

24 (2) diagnoses, treats, operates on, corrects, [OR] attempts
25 to correct, or prescribes for, a disease, lesion, pain, injury, defi-
26 ciency, deformity, or physical condition, malocclusion or malposition
27 of the human teeth, alveolar process, gingiva, maxilla, mandible, or
28 [GUMS OR JAWS AND] adjacent tissues;

29 (3) performs or attempts to perform an operation incident

1 to the replacement of teeth;

2 (4) furnishes, supplies, constructs, reproduces, or repairs
3 [PROSTHETIC] dentures, bridges, appliances or other structures to be
4 used and worn as substitutes for natural teeth, except on prescription
5 of a duly licensed and registered dentist and by the use of impres-
6 sions or casts made by a duly licensed and registered dentist;

7 (5) uses the words [WORD] "dentist" or "dental surgeon" or
8 the letters D.D.S. or D.M.D. or other letter or title that [WHICH]
9 represents the dentist as engaging in the practice of dentistry;

10 (6) extracts or attempts to extract human teeth;

11 (7) [OWNS, MANAGES OR] operates a facility [PLACE] where
12 the acts and things described in this section are performed or done.

13 * Sec. 39. AS 08.36 is amended by adding a new section to read:

14 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this
15 state may

16 (1) practice in an association, partnership, corporation or
17 other lawful entity with other dentists including specialists;

18 (2) practice under the name of "dental center" or other
19 descriptive term that does not deceive the public about the nature of
20 the services provided;

21 (3) supervise research that would otherwise violate this
22 chapter or regulations adopted under this chapter when the research
23 does not involve treatment of dental patients if the research is
24 performed by a nonprofit dental research institution chartered by this
25 state or by a dental or dental auxiliary school accredited by the
26 Commission on Accreditation of the American Dental Association, or its
27 successor agency;

28 (4) supervise research that would otherwise violate this
29 chapter or regulations adopted under this chapter when the research

1 involves the treatment of dental patients if the research is performed
2 by a nonprofit dental research institution chartered by this state or
3 by a dental or dental auxiliary school accredited by the commission on
4 Accreditation of the American Dental Association, or its successor
5 agency, and if the dentist notifies the board in writing, at least 60
6 days before beginning the treatment, of the intended practices or
7 procedures and the board does not disapprove the research.

8 * Sec. 40. AS 08.36.140, 08.36.150, 08.36.170, 08.36.200 and 08.36.280
9 are repealed.

Introduced: 2/13/84
Referred: Labor & Commerce, Health,
Education & Social Services and
Finance

1 IN THE HOUSE

BY FURNACE

2 HOUSE BILL NO. 611

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to dentists and dental hygienists."

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

8 * Section 1. AS 08.32.010 is amended to read:

9 Sec. 08.32.010. LICENSE REQUIRED. Except as provided in AS 08.-
10 32.095, a person may not practice, offer or attempt to practice, or
11 advertise or announce as being prepared or qualified to practice
12 dental hygiene without a license and a current certificate of regis-
13 tration.

14 * Sec. 2. AS 08.32.020(b) is amended to read:

15 (b) An applicant for examination shall apply in writing to the
16 [SECRETARY OF THE] board at least 30 days before the date selected by
17 the board for the examination.

18 * Sec. 3. AS 08.32.040 is amended to read:

19 Sec. 08.32.040. APPLICATION AND FEE. An application for exami-
20 nation or determination of qualification for licensing by credentials
21 shall be signed by the applicant and accompanied by the applicant's
22 certificate of graduation from an accredited dental hygiene school and
23 the fee provided under AS 08.36.290(1).

24 * Sec. 4. AS 08.32.060 is amended to read:

25 Sec. 08.32.060. FREQUENCY AND CONTENT OF EXAMINATION. The
26 examination shall be held at the same times and places as the examina-
27 tion of dentists under AS 08.36.130. The examination shall cover
28 subjects considered essential by the board for the practice of dental
29 hygiene including a clinical examination on the removal of calcareous

1 deposits, accretions, and stains from the exposed surfaces of the
2 teeth beginning at the epithelial attachment by scaling and polishing
3 techniques. The board may require an applicant to pass a laboratory
4 examination as a prerequisite to admission to the clinical examination
5 if the board has reason to believe the applicant cannot practice
6 safely on a clinical patient.

7 * Sec. 5. AS 08.32.070 is amended to read:

8 Sec. 08.32.070. REGISTRATION AND LICENSING OF DENTAL HYGIENISTS.

9 If the applicant passes the examination, the board shall register the
10 applicant and issue a license upon payment of all fees required under
11 AS 08.36.290. A licensed dental hygienist shall renew registration
12 and offer proof of continued competency as required by AS 08.36.250
13 and by regulation of the board every four years.

14 * Sec. 6. AS 08.32.110(a) is amended to read:

15 (a) The role of the dental hygienist is to assist members of the
16 dental profession in providing oral health care to the public. A
17 person licensed to practice the profession of dental hygiene in the
18 state may

19 (1) remove calcareous deposits, accretions, and stains from
20 the exposed surfaces of the teeth beginning at the epithelial attach-
21 ment by scaling and polishing techniques;

22 (2) apply topical preventive or prophylactic agents;

23 (3) apply fluorides and pit and fissure sealants;

24 (4) perform root planing and gingival [PERIODONTAL SOFT
25 TISSUE] curettage; [AND]

26 (5) perform other dental operations and services delegated
27 by a licensed dentist if the dental operations and services are not
28 prohibited by (c) of this section; and

29 (6) if certified by the board and under the direct or

1 indirect supervision of a licensed dentist, administer local anes-
2 thetics.

3 * Sec. 7. AS 08.32.160 is amended to read:

4 Sec. 08.32.160. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
5 OF LICENSE. The board may revoke or suspend the license of a dental
6 hygienist, or [THE LICENSEE] may reprimand, censure [BE REPRIMANDED,
7 CENSURED], or discipline a licensee, if, after a hearing, [DISCIPLINED
8 WHEN] the board finds [AFTER A HEARING] that the licensee

9 (1) used or knowingly cooperated in [SECURED A LICENSE
10 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a
11 license;

12 (2) engaged in deceit, fraud, or intentional misrepresenta-
13 tion in the course of providing or billing for professional services
14 or engaging in professional activities;

15 (3) advertised professional services in a false or mislead-
16 ing manner in violation of regulations adopted by the board;

17 (4) has been convicted of a felony or other crime which
18 affects the licensee's ability to continue to practice competently and
19 safely;

20 (5) knowingly failed to comply with this chapter, with a
21 regulation adopted under this chapter or under AS 08.36, or with an
22 order of the board;

23 (6) continued to practice after becoming unfit due to

24 (A) professional incompetence;

25 (B) addiction or severe dependency on alcohol or other
26 drugs which impairs the licensee's ability to practice safely;

27 (C) physical or mental disability;

28 (D) failure to keep informed of or use current profes-
29 sional theories and practices;

1 (7) engaged in a course of lewd or immoral conduct in
2 connection with the delivery of professional service to patients;

3 (8) performed clinical procedures for compensation without
4 being under the supervision of a licensed dentist.

5 * Sec. 8. AS 08.32.180 is amended to read:

6 Sec. 08.32.180. VIOLATION. A person who violates a provision of
7 this chapter or a regulation adopted under this chapter [OR WHO FAILS
8 TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER, A PENALTY] for which
9 a penalty is not otherwise provided [,] is guilty of a class B misde-
10 meanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
11 \$100].

12 * Sec. 9. AS 08.32 is amended by adding a new section to read:

13 Sec. 08.32.187. APPLICATION OF CHAPTER. (a) This chapter
14 applies to a person who practices, or offers or attempts to practice,
15 as a dental hygienist in the state except

16 (1) a dental hygienist in the military service in the
17 discharge of official duties;

18 (2) a dental hygienist in the employ of the United States
19 Public Health Service, United States Veterans' Administration, Alaska
20 Native Service, or Department of Health and Social Services, in the
21 discharge of official duties;

22 (3) a dental hygienist licensed in another state demon-
23 strating clinical techniques at a meeting sponsored by a bona fide
24 dental or dental auxiliary society or association or by an accredited
25 dental or dental auxiliary educational institution;

26 (4) a dental hygienist instructor engaged in teaching
27 activities and employed at an accredited dental or dental hygienist
28 educational institution.

29 (b) A person excepted from this chapter under (a) of this

1 section shall be held to the same standard of care as a person covered
2 by this chapter.

3 * Sec. 10. AS 08.36.010 is amended to read:

4 Sec. 08.36.010. CREATION AND MEMBERSHIP OF BOARD. There is
5 created the Board of Dental Examiners consisting of seven members.
6 Five [FOUR] members shall be [QUALIFIED RESIDENT] dentists licensed to
7 [WHO HAVE BEEN ENGAGED IN THE] practice [OF] dentistry in the state
8 [FOR FIVE YEARS IMMEDIATELY PRECEDING APPOINTMENT], one member shall
9 be a dental hygienist licensed under AS 08.32, and one member [TWO
10 MEMBERS] shall be a public member [MEMBERS]. In addition to the
11 limitations imposed by AS 08.01.025, a public member may not be a
12 health professional or have a direct financial interest in a health
13 service or profession.

14 * Sec. 11. AS 08.36.020 is amended to read:

15 Sec. 08.36.020. APPOINTMENT AND TERM OF OFFICE. Members of the
16 board are appointed by the governor, subject to confirmation by the
17 legislature in joint session. Each board member serves for a term of
18 four years, and until that member's successor is appointed and qual-
19 ified. The term begins on February 1. An appointment to a vacancy is
20 for the unexpired term. A person who has served three [TWO] succes-
21 sive complete terms may not be reappointed until four years from the
22 expiration of the third [SECOND] term.

23 * Sec. 12. AS 08.36.025 is amended to read:

24 Sec. 08.36.025. REMOVAL OR SUSPENSION OF BOARD MEMBERS. A
25 member of the board may be removed from office by the governor for
26 cause. The board may by regulation provide that unexcused absences
27 from meetings constitute cause for removal. A member against whom an
28 accusation has been filed for violation of AS 08.32.160 or AS 08.36.-
29 315 is suspended from the board until the decision of the board on the

1 accusation takes effect under AS 44.62.520.

2 * Sec. 13. AS 08.36.030 is amended to read:

3 Sec. 08.36.030. ELECTION OF OFFICERS. The board shall elect a
4 chairman [PRESIDENT] and other necessary officers [A SECRETARY] from
5 among its members [, EACH] to serve for terms [A TERM] not to exceed
6 two years.

7 * Sec. 14. AS 08.36.040 is amended to read:

8 Sec. 08.36.040. MEETINGS. The board shall meet at the call of
9 the chairman at least once annually [AS OFTEN AS,] and at other [THE]
10 times [AND PLACES,] necessary to conduct its business. In the absence
11 of a call of the chairman, a majority of the board may call a meeting.

12 * Sec. 15. AS 08.36.050 is amended to read:

13 Sec. 08.36.050. QUORUM. A majority of the board constitutes a
14 quorum for the transaction of business. A decision by a majority of
15 those present at a meeting constitutes a decision of the board.

16 * Sec. 16. AS 08.36 is amended by adding a new section to read:

17 Sec. 08.36.061. REIMBURSEMENT FOR EXPENSES. Board members are
18 entitled to per diem and travel expenses authorized for boards and
19 commissions under AS 39.20.180. The department shall reimburse a
20 member for other actual, reasonable expenses incurred in carrying out
21 duties as a board member.

22 * Sec. 17. AS 08.36.070 is amended to read:

23 Sec. 08.36.070. GENERAL POWERS. (a) The board shall [HAVE, BUT
24 NOT BY WAY OF LIMITATION, THE FOLLOWING POWERS AND DUTIES]:

25 (1) [TO] examine applicants and issue licenses and permits
26 to those applicants it finds qualified;

27 (2) [TO] register licensed dentists and licensed dental
28 hygienists who are in good standing;

29 (3) [TO SUBMIT AN ANNUAL] report annually [OF ITS

1 PROCEEDINGS] to the governor and [TO MEMBERS OF] the department on the
2 board's proceedings during the year, findings concerning the standards
3 and availability of dental services in the state including the number
4 of licensees and permit holders, examination and licensing activities,
5 other matters related to dental practice, and board receipts and
6 expenditures [ALASKA DENTAL SOCIETY, CONTAINING A STATEMENT OF MONEY
7 RECEIVED AND DISBURSED];

8 (4) [TO] affiliate with the American Association of Dental
9 Examiners, and pay annual dues to the association;

10 (5) [TO] hold hearings, and order the disciplinary sanction
11 of a person who violates this chapter, AS 08.32, or the regulations of
12 the board;

13 (6) [TO] supply forms for applications, licenses, permits,
14 certificates, and other papers and records;

15 (7) [TO] enforce the provisions of this chapter and AS
16 08.32 and adopt or amend the regulations necessary to make the pro-
17 visions of this chapter and AS 08.32 effective;

18 (8) [TO] adopt regulations ensuring [INSURING] that renewal
19 of registration is contingent upon proof of continued competency by a
20 licensed dentist or licensed dental hygienist;

21 (9) [TO] provide the department with the requirements for
22 proof of continued competency and to request the department to make
23 these requirements available to each licensed dentist and licensed
24 dental hygienist at least one year before the date on which the den-
25 tist or dental hygienist must renew registration;

26 [(10) TO ORDER A LICENSED DENTIST OR LICENSED DENTAL HYGIEN-
27 IST TO SUBMIT TO A REASONABLE PHYSICAL EXAMINATION IF THE DENTIST'S OR
28 THE DENTAL HYGIENIST'S PHYSICAL CAPACITY TO PRACTICE SAFELY IS AT
29 ISSUE]

1 (10) adopt regulations establishing standards for delegation
2 of duties by a dentist to a dental hygienist or other person and
3 limiting a dentist to supervising no more than the equivalent of three
4 full-time dental hygienists;

5 (11) at least quarterly, cause to be published in a news-
6 paper of general circulation in each major city in the state, a sum-
7 mary of disciplinary actions the board has taken during the preceding
8 calendar quarter;

9 (12) issue permits to administer general anesthesia to
10 licensed dentists who meet standards set by regulation adopted by the
11 board;

12 (13) regulate the reentry into practice of inactive dentists
13 and dental hygienists.

14 (b) The board may

15 (1) order a licensed dentist or licensed dental hygienist
16 to submit to a reasonable physical or mental examination if the den-
17 tist's or the dental hygienist's physical or mental capacity to prac-
18 tice safely is at issue; and

19 (2) authorize its representative to inspect the practice
20 facilities or patient or professional records of a dentist at reason-
21 able times and in a reasonable manner to monitor compliance with this
22 chapter and with AS 08.32.

23 * Sec. 18. AS 08.36.110 is amended to read:

24 Sec. 08.36.110. QUALIFICATIONS OF APPLICANTS. An applicant for
25 a license to practice dentistry may apply to the board for an examina-
26 tion and license by submitting information that the applicant is a
27 graduate of a dental college accredited by the Commission on Accredi-
28 tation of the American Dental Association, or its successor agency, at
29 the time of graduation, and holds a certificate from the National

1 Board of Dental Examiners that the applicant has passed the examina-
2 tion given by the national board [D.D.S. OR D.M.D. DEGREE OR THE
3 EQUIVALENT].

4 * Sec. 19. AS 08.36.120 is amended to read:

5 Sec. 08.36.120. SIGNING [PHOTOGRAPH] AND FILING DATE OF APPLICA-
6 TION. [EACH APPLICANT SHALL SUBMIT A RECENT UNMOUNTED, AUTOGRAPHED
7 PHOTOGRAPH OF THE APPLICANT.] Applications shall be signed by the
8 applicant and filed at least 30 days before the date scheduled for an
9 examination.

10 * Sec. 20. AS 08.36.160 is amended to read:

11 Sec. 08.36.160. CONTENTS OF EXAMINATION. (a) The examination
12 shall be designed [CLINICAL AND WRITTEN AND OF SUCH A CHARACTER AS] to
13 test [IN A SATISFACTORY MANNER] the qualifications of the applicant to
14 practice dentistry and [. THE EXAMINATION] shall consist of a written
15 and a clinical examination. [THE FOLLOWING:]

16 (b) [(1)] The subjects of the written examination shall include
17 prosthodontics, oral diagnosis and medicine, dental radiology, the
18 state's laws on the practice of dentistry, and other subjects [BE]
19 selected in accordance with the trend of dental education and profes-
20 sional and technical advances [AS DETERMINED BY THE COUNCIL OF DENTAL
21 EDUCATION OF THE AMERICAN DENTAL ASSOCIATION].

22 (c) [(2)] The clinical examination [APPLICANT] shall test the
23 applicant's [DEMONSTRATE] skill in operative and prosthetic dentistry
24 or any procedures selected by the board from procedures [AS] recom-
25 mended by the American Association of Dental Examiners.

26 (d) The board may require an applicant to pass a laboratory ex-
27 amination as a prerequisite to admission to the clinical examination
28 if the board has reason to believe the applicant cannot practice safe-
29 ly on a clinical patient.

1 * Sec. 21. AS 08.36.234 is amended to read:

2 Sec. 08.36.234. LICENSURE BY CREDENTIALS. The board may provide
3 for the licensing without examination of a dentist who

4 (1) is a graduate of a dental college accredited [APPROVED]
5 by the Commission on Accreditation of the American Dental Association,
6 or its successor agency, and holds a certificate from the National
7 Board of Dental Examiners that the dentist has passed the examination
8 given by the national board;

9 (2) has been licensed to practice dentistry in another
10 state, territory, or region with licensing requirements similar to or
11 higher than those of this state at the time of licensure;

12 (3) has been engaged in continuous active practice averag-
13 ing at least 20 hours per week for the five years immediately preced-
14 ing the application;

15 (4) is not the subject of an unresolved complaint, profes-
16 sional association peer review procedure, or disciplinary proceeding
17 undertaken by a professional dental association;

18 (5) has not previously had a license to practice dentistry
19 revoked;

20 (6) has not failed the clinical examination of this state;

21 (7) is personally interviewed by the board;

22 (8) pays all fees required under AS 08.36.290.

23 * Sec. 22. AS 08.36.240 is amended to read:

24 Sec. 08.36.240. ISSUANCE OF LICENSE; RECORDATION; DISPLAY. The
25 board shall issue a license to each successful dentist or dental
26 hygienist applicant who has paid the required fees. [THE HOLDER OF A
27 LICENSE SHALL REGISTER IT IN THE OFFICE OF THE CLERK OF THE SUPERIOR
28 COURT IN THE JUDICIAL DISTRICT OF THE LICENSEE'S PLACE OF RESIDENCE.]

29 The licensee shall display the license in a conspicuous place where

1 the licensee practices.

2 * Sec. 23. AS 08.36.246 is amended to read:

3 Sec. 08.36.246. QUALIFICATION FOR A SPECIALIST LICENSE. (a) An
4 applicant for a specialty license shall [MUST]

5 (1) possess a license to practice dentistry in the state;
6 [, AND]

7 (2) have completed as many [TWO OR MORE] academic years of
8 advanced education in the specialty as are required by the appropriate
9 specialty board in a program accredited by the Commission on Accredi-
10 tation of the American Dental Association or its successor agency; and

11 (3) be a diplomate or the equivalent of the appropriate
12 specialty board or be eligible to be examined for diplomate status as
13 documented by an organization recognized by the American Dental
14 Association.

15 (b) The provision of (a)(2) and (3) of this section does not
16 apply to dentists who limit [HAVE LIMITED] their practice exclusively
17 and who ethically announce [ANNOUNCED] limitation of practice in
18 accordance with regulations of the Principles of Ethics and Code of
19 Professional Conduct of the American Dental Association [POLICY BEFORE
20 JULY 23, 1968].

21 * Sec. 24. AS 08.36.247(a) is amended to read:

22 (a) A specialty license may not be issued unless the applicant
23 presents proof satisfactory to the board that the applicant is quali-
24 fied to practice that specialty. A specialist licensed in that speci-
25 alty shall participate as a voting member of the board in the licens-
26 ing procedures.

27 * Sec. 25. AS 08.36.250 is amended by adding a new subsection to read:

28 (b) When applying for license renewal, a dentist shall report to
29 the board each instance during the prior registration period in which

1 the quality of the licensee's professional services were the subject
2 of legal action.

3 * Sec. 26. AS 08.36.315 is amended to read:

4 Sec. 08.36.315. GROUNDS FOR DISCIPLINE, SUSPENSION OR REVOCATION
5 OF LICENSE. The board may revoke or suspend the license of a dentist,
6 or [AND THE LICENSEE] may reprimand, censure, or discipline a dentist,
7 or both, if [BE REPRIMANDED, CENSURED, OR DISCIPLINED WHEN] the board
8 finds after a hearing that the dentist

9 (1) used or knowingly cooperated in [SECURED A LICENSE
10 THROUGH] deceit, fraud, or intentional misrepresentation to obtain a
11 license;

12 (2) engaged in deceit, fraud, or intentional misrepresenta-
13 tion in the course of providing or billing for professional dental
14 services or engaging in professional activities;

15 (3) advertised professional dental services in a false or
16 misleading manner in violation of regulations adopted by the board;

17 (4) has been convicted of a felony or other crime which
18 affects the dentist's ability to continue to practice dentistry compe-
19 tently and safely;

20 (5) [INTENTIONALLY OR NEGLIGENTLY] engaged in or permitted
21 the performance of patient care by persons under the dentist's super-
22 vision which does not conform to minimum professional standards of
23 dentistry regardless of whether actual injury to the patient occurred;

24 (6) knowingly failed to comply with this chapter, with a
25 regulation adopted under this chapter, or with an order of the board;

26 (7) continued to practice after becoming unfit due to

27 (A) professional incompetence;

28 (B) failure to keep informed of or use current profes-
29 sional theories or practices;

1 (C) addiction or severe dependency on alcohol or other
2 drugs which impairs the dentist's ability to practice safely;

3 (D) physical or mental disability;

4 (8) engaged in a course of lewd or immoral conduct in
5 connection with the delivery of professional service to patients;

6 (9) permitted a dental hygienist who is employed by the
7 dentist or working under the dentist's supervision to perform a dental
8 procedure other than those permitted under AS 08.32.110;

9 (10) contracted with an organization to waive an insurance
10 co-payment for services provided to a patient or with an organization
11 that limits a patient's choice of dentist in return for exclusive or
12 partly exclusive referral of patients from the organization;

13 (11) failed to report to the board a death that occurred on
14 the premises used for the practice of dentistry within 48 hours.

15 * Sec. 27. AS 08.36 is amended by adding a new section to read:

16 Sec. 08.36.316. COMPLAINTS. (a) The board shall adopt regu-
17 lations for accepting and reviewing written and oral complaints con-
18 cerning the practice of dentistry. A complaint shall be investigated
19 to determine whether there is sufficient evidence of an infraction to
20 proceed to a hearing under AS 44.62.

21 (b) The chairman shall appoint a panel of three members of the
22 dental professions to review the investigation. If the panel finds
23 there is insufficient evidence of an infraction it shall report in
24 writing to the chairman who shall notify the complainant that the
25 complaint is dismissed. If the panel finds sufficient evidence of an
26 infraction, the chairman shall begin proceedings under AS 44.62. If a
27 complaint concerns a dentist, the panel shall consist of two dentists
28 and one dental hygienist. If a complaint concerns a dental hygienist,
29 the panel shall consist of one dentist and two dental hygienists.

1 (c) A complainant may appeal the dismissal of a complaint to the
2 board.

3 * Sec. 28. AS 08.36.320(c) is amended to read:

4 (c) The board may summarily suspend a license before final
5 hearing or during the appeals process if the board finds that con-
6 tinued practice by the licensee poses a clear and immediate danger to
7 the public health and safety. The board may summarily suspend the
8 license of a licensee who refuses to submit to a physical or mental
9 examination under AS 08.36.070(b)(1) [IF THE LICENSEE CONTINUES TO
10 PRACTICE]. A person whose license is suspended under this section
11 shall be entitled to a hearing by the board no later than 30 [SEVEN]
12 days after the effective date of the order. If, after a hearing, the
13 board upholds the suspension, the [THE] licensee may appeal the sus-
14 pension [AFTER A HEARING] to a court of competent jurisdiction.

15 * Sec. 29. AS 08.36.340 is amended to read:

16 Sec. 08.36.340. PENALTIES. A person who violates any provision
17 of AS 08.32 or this chapter or regulations adopted under this chapter
18 for which no specific penalty is provided is guilty of a class B
19 misdemeanor.

20 * Sec. 30. AS 08.36.350 is amended to read:

21 Sec. 08.36.350. APPLICATION OF CHAPTER. (a) This chapter
22 applies to a person who practices, offers or attempts to practice
23 dentistry in the state except

24 (1) dental surgeons or dentist in the military service in
25 the discharge of official duties;

26 [(2) Repealed]

27 (2) [(3)] dentists in the employ of the United States
28 Public Health Service, United States Veterans' Administration, Alaska
29 Native Service, or Department of Health and Social Services, in the

- 1 discharge of official duties;
- 2 (3) [(4)] clinicians demonstrating at meetings of dentists
3 approved by the board;
- 4 (4) [(5)] physicians and surgeons;
- 5 (5) [(6)] dentists in the employ of the United States
6 Public Health Service providing care by authority of a permit issued
7 under AS 08.36.271;
- 8 (6) a dentist licensed in another state who is demonstrat-
9 ing clinical techniques at a meeting sponsored by a bona fide dental
10 or dental auxiliary society or association or by an accredited dental
11 or dental auxiliary educational institution;
- 12 (7) a dental instructor engaged in teaching activities and
13 employed at an accredited dental or dental hygienist educational
14 institution;
- 15 (8) a dentist licensed in another state who provides emer-
16 gency care to an injured or ill person who reasonably appears to the
17 dentist to be in immediate need of emergency aid in order to avoid
18 serious harm or death if the care is provided without remuneration.
- 19 (b) A person excepted from this chapter under (a) of this sec-
20 tion shall be held to the same standard of care as a person covered by
21 this chapter.

22 * Sec. 31. AS 08.36.360 is amended to read:

23 Sec. 08.36.360. PRACTICE OF DENTISTRY DEFINED. A person engages
24 in the practice of dentistry who

25 (1) performs or holds out to the public as being able to
26 perform dental operations;

27 (2) diagnoses, treats, operates on, prevents or attempts to
28 prevent, corrects or attempts to correct, or prescribes for, a dis-
29 ease, lesion, pain, injury, deficiency, deformity, or physical

1 condition, malocclusion or malposition of the human teeth, alveolar
2 process, gingiva, maxilla, mandible, or [GUMS OR JAWS AND] adjacent
3 tissues;

4 (3) performs or attempts to perform an operation incident
5 to the replacement of teeth;

6 (4) furnishes, supplies, constructs, reproduces, or repairs
7 [PROSTHETIC] dentures, bridges, appliances or other structures to be
8 used and worn as substitutes for natural teeth, except on prescription
9 of a duly licensed and registered dentist and by the use of impres-
10 sions or casts made by a duly licensed and registered dentist;

11 (5) uses the word "dentist" or "dental surgeon" or the
12 letters D.D.S. or D.M.D. or other letter or title which represents the
13 dentist as engaging in the practice of dentistry;

14 (6) extracts or attempts to extract human teeth;

15 (7) owns, manages or operates a place where the acts and
16 things described in this section are performed or done;

17 (8) supervises a dental hygienist or another person who
18 provides dental care to a patient.

19 * Sec. 32. AS 08.36 is amended by adding a new section to read:

20 Sec. 08.36.365. RIGHTS OF DENTISTS. A dentist licensed in this
21 state may

22 (1) practice in an association, partnership, corporation or
23 other lawful entity with other dentists including specialist;

24 (2) practice under the name of "dental center" or other
25 descriptive term that does not deceive the public about the nature of
26 the services provided;

27 (3) supervise research that would otherwise violate this
28 chapter or regulations adopted under this chapter when the research
29 does not involve treatment of dental patients if the research is

1 performed by a nonprofit dental research institution chartered by this
2 state or by a dental or dental auxiliary school accredited by the
3 Commission on Accreditation of the American Dental Association, or its
4 successor agency;

5 (4) supervise research that would otherwise violate this
6 chapter or regulations adopted under this chapter when the research
7 involves the treatment of dental patients if the research is performed
8 by a nonprofit dental research institution chartered by this state or
9 by a dental or dental auxiliary school accredited by the commission on
10 Accreditation of the American Dental Association, or its successor
11 agency, and if the dentist notifies the board in writing, at least 60
12 days before beginning the treatment, of the intended practices or
13 procedures and the board does not disapprove the research.

14 * Sec. 33. Notwithstanding the amendments made to AS 08.36.010 by
15 sec. 10 of this Act, a public member who is on the board on the effective
16 date of this Act may continue on the board until resigning or until ex-
17 piration of the member's term, and the number of members of the board who
18 are dentists shall remain at four until the resignation or expiration of a
19 term of a public member.

20 * Sec. 34. AS 08.36.200 is repealed.

Introduced: 2/27/84
Referred: Health, Education &
Social Services and Finance

Funding Information
General Fund \$205,000
Other Funds -0-
\$205,000

1 IN THE HOUSE

BY KOPONEN

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 617

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act making a supplemental appropriation to the
Alaska State Council on the Arts; and providing for
an effective date."

7

8

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

10

* Section 1. The sum of \$205,000 is appropriated from the general fund
to the Alaska State Council on the Arts for the operation of summer arts
camps in Palmer, Sitka, Haines, and Fairbanks during the summer of 1984.

13

* Sec. 2. The unexpended and unobligated portion of the appropriation
made by this Act lapses into the general fund June 30, 1985.

15

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).

Alaska State Legislature

Representative Nillo Koponen

FAIRBANKS
Box 252
Fairbanks, Alaska 99707
479-6782

JUNEAU
Pouch V
Juneau, Alaska 99811
465-4992

MEMORANDUM

TO: Representative Koponen
FROM: Deborah Niedermeyer, Legialative Aide *DMN*
RE: Arts Camp Supplemental
DATE: 23 March, 1984

BACKGROUND

Alaska's arts camps which begin typically in early July, get a major portion of their money through grants from Alaska State Council on the Arts. The Arts Council, which gets its money from the Department of Education through the Legislature does not know what its budget for arts camps grants will be until a month or two into the new fiscal year, that is, not until the arts camps are in progress or even completely over. This has been a serious management problem.

THE BILL

HB 617 makes an FY84 supplemental appropriation to Alaska State Council on the Arts equal to the amount the Arts Council expects to grant the arts camps in FY85. This allows the Council to hold whatever money it eventually receives from the legislature for FY85 in reserve for the beginning of FY86. The bill is thus a forward funding mechanism which allows both the camps and the Arts Council to make their budgets based on the money they have, not what they hope to get. It is a one time only appropriation.

THE BUDGET

Both the House and Senate Education Finance Subcommittees have added \$180 to the FY85 Arts Council budget for the purpose of forward funding arts camps. We are extremely pleased as this would correct much of the problem after July 1985. However, only a supplemental appropriation to the FY84 budget will correct the problem in this fiscal year, in time for this summer's arts camps. In addition, the \$180 appropriation is \$25,000 below the figure needed for the four arts camps expected to qualify for grants from the Arts Council.

SPECIFICALLY

The U of A Fine Arts Camp in Fairbanks is requesting	\$ 46,182
Alaska Arts Southeast Camp in Sitka is requesting	\$ 76,650
Alaska Fine Arts Camp Inc. in Kings Lake is requesting	\$ 73,500
Chilkoot Cultural Camp in Haines is requesting	\$ 8,415
TOTAL:	\$204,747

FINE ARTS CAMPS -- FACT SHEET

The three Fine Arts Camps in Palmer, Sitka, and Fairbanks encourage your support and passage of HB617 on the basis of the following facts:

THE PROBLEM:

To do adequate planning, the camps must enter into contracts with faculty and staff, for facilities, food services, and materials before operating funds have been awarded. This awkward situation was created several years ago when the camps were transferred from the Department of Education's budget to the State Arts Council's budget. The timing of the transfer, the state's fiscal year, and the Council's funding cycle immediately combined to cause the problem of ASCA's reviewing camp funding requests after the camps had begun to operate.

THE SOLUTION:

HB617 provides for a one time appropriation that would enable the camps and the State Arts Council to establish a forward funding cycle. It would work this way: the supplemental appropriation provided by HB617 will fund this spring's start-up costs as well as the remaining costs of the 1984 camps. Both start-up and continuing costs for the 1985 camps would then be included in the State Arts Council's FY85 funding request to the legislature.

FINE ARTS CAMPS MEET A CRITICAL NEED:

These camps provide intensive arts experiences in music, theatre, dance, visual arts, and creative writing for Alaskan students who would otherwise not have them. Although some students have arts activities available in their communities, most students have their first and only opportunity to explore their talents and interests at camp. The camps also provide a valuable alternative for students who do not excel at sports or academics but who nonetheless have talents that must be developed--for their benefit and the state's.

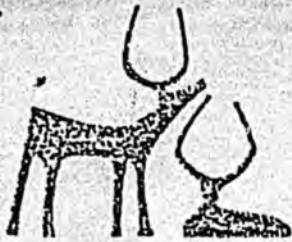
In 1983, the three camps served a total of 731 students from 67 Alaskan communities, villages, and logging camps.

TOTAL BUDGETS AND ASCA GRANTS OF THE FINE ARTS CAMPS:

<u>All Three Camps</u>	<u>1982</u>	<u>1983</u>
ASCA Funds	\$138,732	\$162,032
Total Budget	252,198	409,408

The funds to cover the remainder of the total budget are raised from businesses, organizations, corporations, schools, individuals, and students' camp tuition.

Deducting the \$205,000 specified in HB617 from ASCA's FY85 budget would perpetuate the problem, not solve it. The only solution is to establish a forward funding cycle for the Fine Arts Camps with this one-time appropriation provided by HB617.



21 September 1983

Alison Elgee
Special Assistant to the Commissioner
Department of Education
Pouch F
Juneau, Alaska 99811

Dear Alison:

While I was in Juneau last week for budget meetings, we discussed the Fine Arts Camps in the state which receive funding through the Alaska State Council on the Arts. I mentioned that the Arts Council and the Fine Arts Camps were not satisfied with the present method of funding: grants which occur either at the beginning or end of the state's fiscal year and which do not allow for advance planning or proper cash flows. We and the camps suggested that the State Arts Council request a budget increment in our FY85 grants budget to begin forward funding for the camps.

Last week you suggested that since this would be a one time cost, a special appropriation might be a better solution than a budget increase. I am writing to say that I am in agreement and to provide you with some figures on the camps. Our goal for FY85 is to obtain funds for both the management and programs costs of the 1984 summer season as well as to grant out funds for the 1985 summer season. Program and planning costs for all three fine arts camps begin mounting up in January of a given year; Arts Council grants are not awarded until late July of the same year - after the camp season is over. The forward funding process will enable us to grant funds in July for programs and planning which will begin in January and end in mid-July. The special appropriation will enable us to "get over the hump" in terms of the extra money needed for the first year of the program.

The following figures have been provided by the three camps:

<u>University of Alaska Fine</u>	\$ 46,182	Request to ASCA for 1984 season
<u>Arts Camp, Fairbanks</u>	157,182	Total budget for 1984 season
191 students at 1983	53,725	Request to ASCA for 1985 season
summer camp	177,925	Total budget for 1985 season

Alaska State Council on the Arts

619 Warehouse Avenue, Suite 220/Anchorage, Alaska 99501/(907) 279-1558

Alison Elgee
Fine Arts Camps
Page 2

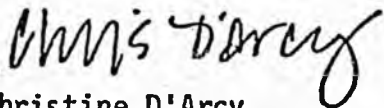
<u>Alaska Arts Southeast Camp,</u> <u>Sitka</u>	\$ 76,650	Request to ASCA for 1984 season
	201,852	Total budget for 1984 season
<u>270 students at 1983</u> <u>summer camp</u>	74,500	Request to ASCA for 1985 season
	222,602	Total budget for 1985 season
<u>Alaska Fine Arts Camp, Inc.,</u> <u>Kings Lake</u>	73,500	Request to ASCA for 1984 season
	161,000	Total budget for 1984 season
266 students at 1983 summer camp	73,500	Request to ASCA for 1985 season
	170,000	Total budget for 1985 season

Since we are attempting to overcome a lack of funds for advance planning and to begin forward funding of all three camps, I would suggest that the Legislature be approached for a special appropriation of \$ 200,000.

Arts Council staff is still in the process of revising our project grant application for use by the Fine Arts Camps. As soon as that is done and the completed applications have been submitted to us, I will send copies to you. The applications will give you a detailed breakdown of what grant funds are used for, proportion of cash match, tuitions, etc.

Please contact me if you have questions. And thank you for all your help and support.

Sincerely,



Christine D'Arcy
Acting Executive Director

cc: State Council on the Arts
Ernest Polley
Ted DeCorso, University of Alaska Fine Arts Camp
Dewey Ehling, Alaska Fine Arts Camp, Inc.
Clyde Carraway, Alaska Arts Southeast

April 6, 1984

Representative Al Adams, Chair
House Finance Committee
Alaska State Legislature
Pouch V, Juneau, Alaska 99811

Dear Representative Adams:

House Bill 617, which makes a supplemental appropriation to the Alaska State Council on the Arts to provide funding for fine arts camps in Sitka, Haines, Palmer, and Fairbanks, is now, I believe, in your committee. I would like to urge you to support that bill.

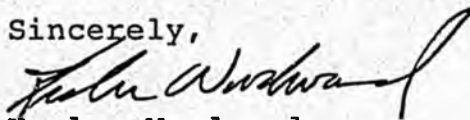
I have first-hand experience with the camps in Sitka and Fairbanks, and I know the King's Lake camp in Palmer by reputation. I have been very impressed with the quality of instruction, the seriousness of the students, the importance placed on the camps by the parents of the students, and the quality of the work and the learning experiences for all involved. As a board member of the Juneau Arts Council several years ago, I worked with the competition for scholarships which the Juneau Arts Council offered to the Sitka camp. I was astounded by the importance the students themselves place on being able to take advantage of this opportunity, and by their determination to find a way to go and participate.

As a juror of local public school art shows in Fairbanks, I became aware last year how much difference in the caliber of work it can make for a student to have this intensive experience with professional artists, as those entries by Fine Arts Camp participants were time and again more ambitious and more accomplished than the average. Multi-year camp participants are also some of our most exciting entering art students in the program here at the University of Alaska.

If our school system adequately supported the arts in the classroom curriculum, the regional fine arts camps would still be an important additional experience for serious students. In the woefully inadequate present state of classroom arts education in Alaska, however, it is one of the only substantial arts experiences many students are able to take advantage of. That, to my mind, makes these programs not just a nice extra, but crucial to arts-in-education in Alaska.

The timing of the fine arts camps, beginning before the end of the fiscal year and crossing into the next, makes responsible financial planning on the part of camp administrators virtually impossible. A one-time supplemental appropriation to begin a forward-funding cycle for what have proven to be successful and important programs would take fine arts camp administrators out of the role of financial gamblers, encourage better and more innovative programming, and bring benefits to many Alaskans. I urge you to give your support to HB 617.

Sincerely,



Kesler Woodward

Asst. Prof. of Art, University of Alaska
Member, Alaska State Council on the Arts

***** SENATE ANALYSIS *****

OBJECT GROUP	VARIATION		DESCRIPTION: SENATE (\$5,287.4) VERSUS GOV.AMD. (\$4,842.6)
07 GRANTS, CLMS	444.8	10.4%	ADD \$111.2 FOR THE TRANSFER FROM CONTRACTUAL TO GRANTS FOR THE MANAGEMENT OF PERFORMING ARTS TOURS, ADD \$180.0 FOR FORWARD FUNDING OF PALMER, SITKA AND FAIRBANKS FINE ARTS CAMPS, ADD \$153.6 TO MAINTAIN FY84 FUNDING LEVEL.
** TOTALS	444.8	9.2%	

NO NEW POSITIONS AUTHORIZED.

LEGISLATIVE INTENT:

THE SUM OF \$180,000 IS APPROPRIATED TO THE STATE COUNCIL ON THE ARTS TO PROVIDE ONE-TIME FORWARD FUNDING CYCLE DIRECT GRANTS TO THE PALMER, SITKA, AND FAIRBANKS FINE ARTS CAMPS.

***** HOUSE ANALYSIS *****

OBJECT GROUP	VARIATION		DESCRIPTION: HOUSE (\$5,142.2) VERSUS GOV.AMD. (\$4,842.6)
07 GRANTS, CLMS	299.6	7.0%	ADD \$111.2 FOR THE TRANSFER FROM CONTRACTUAL TO GRANTS FOR THE MANAGEMENT OF PERFORMING ARTS TOURS, ADD \$180.0 FOR FORWARD FUNDING OF PALMER, SITKA AND FAIRBANKS FINE ARTS CAMPS, ADD \$8.4 FOR CHILKOOT INDIAN ASSOCIATION FINE ARTS CAMP.
** TOTALS	299.6	6.2%	

NO NEW POSITIONS AUTHORIZED.

LEGISLATIVE INTENT:

THE SUM OF \$180,000 IS APPROPRIATED TO THE STATE COUNCIL ON THE ARTS TO PROVIDE ONE-TIME FORWARD FUNDING CYCLE DIRECT GRANTS TO THE PALMER, SITKA, AND FAIRBANKS FINE ARTS CAMPS.

***** GOV.AMD. ANALYSIS *****

OBJECT GROUP	VARIATION		DESCRIPTION: GOV.AMD. (\$4,842.6) VERSUS FY84 ATH (\$5,128.8)
01 PERS. SERV.	16.8	6.6%	
02 TRAVEL	-2.0	-4.5%	
03 CONTRACTUAL	-143.2	-41.5%	
05 EQUIPMENT	-4.2	-14.4%	
07 GRANTS, CLMS	-153.6	-3.5%	
** TOTALS	-286.2	-5.6%	

NO NEW POSITIONS AUTHORIZED.

Introduced: 2/27/84
Referred: Health, Education &
Social Services and Finance

Funding Information
General Fund \$205,000
Other Funds -0-
\$205,000

1 IN THE HOUSE

BY KOPONEN

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 617

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to the
7 Alaska State Council on the Arts; and providing for
8 an effective date."

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

10 * Section 1. The sum of \$205,000 is appropriated from the general fund
11 to the Alaska State Council on the Arts for the operation of summer arts
12 camps in Palmer, Sitka, Haines, and Fairbanks during the summer of 1984.

13 * Sec. 2. The unexpended and unobligated portion of the appropriation
14 made by this Act lapses into the general fund June 30, 1985.

15 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c).

COMMITTEE REPORT
SENATE

FURTHER:

4/24/84

Date 5/18/84

Mr. President

The Committee on FINANCE considered CSHB 624 (Res)
qualifications for a homesite; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Joe Breen
Bob ...
John ...

[Signature]

Chairman

Chairman recommendation

LETTER OF INTENT (SENATE FINANCE COMMITTEE)

CSHA 624 (Res)

On January 20, 1984, The Department promulgated regulations which defined the terms, "extreme emergency" and "illness which disables the applicant" in homestead cases. The Committee understand and expects that like regulations for the terms used in CSHB 624 will be used in homesite cases after enactment of this measure.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

*FR accompany
bill into
committee*

De

Revision Date: _____

REQUEST
Bill/Resolution No.: HB 624
Title: An Act...homesites

FISCAL DETAIL
Agency Affected: Natural Resources
Program Category Affected: NRMEC

Sponsor: Larson
Requestor: House Resources
Date of Request: _____

BRU, Program or Subprogram(s) Affected:
Land and Water Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No impact.

ANALYSIS: Attach a separate page for analysis

Prepared By: Dick LeFebvre Phone: 276-2653
Division: Land and Water Management Date: March 13, 1984

MF Approved by Commissioner: *Norm D. Armstrong, Deputy* Date: March 13, 1984
Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Offered: 3/14/84
Referred: Rules

Original sponsor: Larson

1 IN THE HOUSE BY THE RESOURCES COMMITTEE
2 CS FOR HOUSE BILL NO. 624 (Resources)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to qualifications for a homesite;
7 and providing for an effective date."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 38.08.040(c) is repealed and reenacted to read:
10 (c) The permit may not be assigned, conveyed, or in any manner
11 transferred except by testate or intestate succession, to a spouse
12 during marriage, by order of a court as part of a divorce settlement,
13 or to either a member of the immediate family or a grantee of the
14 applicant in the case of an extreme emergency or illness that disables
15 the applicant. An attempt to assign, convey, or in any manner trans-
16 fer the permit except as permitted by this subsection is void and
17 constitutes a substantial breach of the permit.
18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
19 10.070(c).

1412624

(d) In accordance with AS 38.09.030(c)(4) an entry permit may be transferred to a member of the entryperson's immediate family, or to a grantee in the case of an extreme emergency or illness which disables the entryperson. The entry permit may be transferred to a grantee only in cases where no member of the immediate family is eligible, capable and willing to assume the entry permit. In this instance the entryperson shall submit a sworn statement attesting to the fact that the aforementioned conditions are met.

(e) The recipient of an entry permit which is assigned, conveyed, or transferred under AS 38.09.030(c) must meet the residency and age requirements of AS 38.09.030(a)(1).

(f) If the operation of AS 38.09.030(c) places a person in the position of holding more than one homestead entry permit simultaneously, the terms and conditions of each entry permit must be complied with independently in order to gain patent to a homestead. In addition, no person may take patent to more than one homestead in that person's lifetime for which the entry permit has been transferred to that person under the provisions of AS 38.09.030(c).

(g) Assignments, conveyances, and transfers of homestead entry permits must be accompanied by a filing fee established by the director. No assignment, conveyance, or transfer is effective until approved in writing by the director.

(h) All restrictions and procedures applicable to the assignment, conveyance, or transfer of an entry permit under this section are applicable to purchase contracts executed under AS 38.09.090.

(i) For transferability purposes:

(1) a contract to purchase is considered the same as an entry permit:

(2) an "extreme emergency" means an event or situation not reasonably foreseeable, and may not be based on mere financial considerations, or relocation for personal or business reasons. Mere expediency, convenience, or the best interests of the entryperson do not constitute an "extreme emergency";

(3) an "illness which disables the applicant" is evidenced by a doctor's certification that the holder of an entry permit is incapable of complying with the terms of the homestead program for a period of not less than one year;

(4) "members of the immediate family" means to the entryperson's spouse, mother, father, sister, brother, daughter or son;

COMMITTEE REPORT
SENATE

FURTHER: FINANCE

3/21/84

Date 4-23-84

Mr. President

The Committee on RESOURCES considered CSHB 624(Res)
qualifications for homesite; efd.

and (a majority of the committee) (the committee) reports it back with
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

Arlis Sturgulinski

[Signature]

Bob Markley

Paul Fitch

Ziegler

MEMBERS HAVING
OTHER RECOMMENDATIONS

[Signature]

 Chairman
Do Pass

 Chairman recommendation

Alaska State Legislature

RONALD L. LARSON
DISTRICT 16B

POUCH V
JUNEAU, ALASKA 99811
(907) 485-3727



BOX 53
PALMER, ALASKA 99645
(907) 743-3826

House of Representatives

MEMORANDUM

May 1, 1984

TO: Members Senate Finance Committee
FROM: Representative Ron Larson *R.L.*
SUBJECT: HB 624

The following piece of legislation passed the House March 20, 1984 by a division of 40 to 0. In the Senate it was referred to both the Senate Resources Committee and the Senate Finance Committee. It passed out of Senate Resources April 2

4, 1984. Any consideration you may be able to give this particular piece of legislation in moving it through the Senate would be very much appreciated.

HB 624 - "An Act relating to qualifications for a homesite."

This legislation will allow current holders of homesite parcels to transfer their rights in the property to another individual, when due to an incapacitating illness or injury, he or she cannot fulfill the on site residency requirements. This allowance would be the same as is currently provided for under the homestead statutes, AS 38.09.030(c)(4).

Under present homesite statutes, if a person has fulfilled all requirements except for residency, he or she could lose the rights to the property because of a serious illness or injury preventing them from residing on the homesite. Often, in the case of a disabling illness or injury, a person is required to live closer to medical facilities or may require special care.

The homesite law does provide for a legal transfer of property upon a person's death; however, if they survive a serious illness or operation, which incapacitates them, they would lose all their rights and property improvements on their homesite. This bill would simply provide the same provisions under the homesite law which were provided for in the homestead statutes, dealing with this type of emergency.

Introduced: 2/13/84
Referred: Resources

1 IN THE HOUSE

BY LARSON

2

HOUSE BILL NO. 624

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to qualifications for a homesite."

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

8 * Section 1. AS 38.08.040(c) is repealed and reenacted to read:

9 (c) The permit may not be assigned, conveyed, or in any manner
10 transferred except by testate or intestate succession, to a spouse
11 during marriage, by order of a court as part of a divorce settlement,
12 or to either a member of the immediate family or a grantee of the
13 applicant in the case of an extreme emergency or illness that disables
14 the applicant. An attempt to assign, convey, or in any manner
15 transfer the permit except as permitted by this subsection is void and
16 constitutes a substantial breach of the permit.

Introduced: 2/13/84
Referred: Judiciary and Finance

1 IN THE HOUSE

BY LISKA

2 HOUSE BILL NO. 626

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the crime of conspiracy."

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

8 * Section 1. AS 11.31 is amended by adding new sections to read:

9 Sec. 11.31.120. CONSPIRACY. (a) An offender commits the crime
10 of conspiracy if, with the intent to promote or facilitate an illegal
11 activity, the offender agrees with one or more persons to engage in or
12 cause the performance of that activity and the offender or one of the
13 persons does an overt act in furtherance of the conspiracy.

14 (b) If an offender commits the crime of conspiracy and knows
15 that a person with whom the offender conspires to commit a crime has
16 conspired or will conspire with another person or persons to commit
17 the same crime, the offender is guilty of conspiring with that other
18 person or persons to commit that crime, whether or not the offender
19 knows their identities.

20 (c) In a prosecution under this section, it is not a defense

21 (1) that the defendant belongs to a class of persons who by
22 definition are legally incapable in an individual capacity of com-
23 mitting the crime that is the object of the conspiracy; or

24 (2) that a person with whom the defendant conspires could
25 not be guilty of the crime that is the object of the conspiracy
26 because of

27 (A) lack of criminal responsibility or other legal
28 incapacity or exemption;

29 (B) unawareness of the criminal nature of the conduct

1 in question or of the criminal purpose of the defendant; or

2 (C) any other factor precluding the culpable mental
3 state required for the commission of the crime.

4 (d) In a prosecution under this section, it is a defense that,
5 if the criminal objective were achieved, the defendant would not be
6 legally accountable under AS 11.16.120(b) for the conduct of the
7 person with whom the defendant conspired.

8 (e) In a prosecution under this section it is an affirmative
9 defense that the defendant, under circumstances manifesting a volun-
10 tary and complete renunciation of the defendant's criminal intent,
11 gave timely warning to law enforcement authorities or otherwise made
12 proper effort to prevent the commission of the crime that was the
13 object of the conspiracy. Renunciation by one conspirator does not
14 affect the liability of another conspirator who does not join in the
15 renunciation.

16 (f) The liability of a conspirator for offenses committed in
17 furtherance of the conspiracy, including a crime that is the object of
18 the conspiracy, shall be determined under AS 11.16.

19 (g) Conspiracy is a

20 (1) class A felony if the object of the conspiracy is a
21 crime punishable as an unclassified felony;

22 (2) class B felony if the object of the conspiracy is a
23 crime punishable as a class A felony;

24 (3) class C felony if the object of the conspiracy is a
25 crime punishable as a class B or class C felony.

26 (h) In this section "illegal activity" means an offense

27 (1) against the person under AS 11.41, punishable as a
28 felony;

29 (2) against property under AS 11.46, punishable as a class

1 A or class B felony;

2 (3) against public administration under AS 11.56, punish-
3 able as a felony;

4 (4) against public order under AS 11.61, punishable as a
5 felony;

6 (5) involving controlled substances under AS 11.71, punish-
7 able as an unclassified, class A, or class B felony; or

8 (6) involving alcoholic beverages under AS 04, punishable
9 as a felony.

10 Sec. 11.31.125. DURATION OF CONSPIRACY FOR PURPOSES OF LIMITA-
11 TIONS OF ACTIONS. (a) For purposes of applying AS 12.10 governing
12 limitations of actions, in a prosecution under AS 11.31.120, con-
13 spiracy is a continuing course of conduct that terminates

14 (1) when the crime that is its object is completed;

15 (2) when the agreement is abandoned by the defendant and by
16 the person with whom the defendant agreed; or

17 (3) as to an individual defendant, when the defendant
18 abandons the agreement by advising the person with whom the defendant
19 agreed of the defendant's abandonment or the defendant informs law
20 enforcement authorities of the existence of the conspiracy and of the
21 defendant's participation in it.

22 (b) For purposes of (a)(2) of this section, abandonment of an
23 agreement is rebuttably presumed if neither the defendant nor anyone
24 with whom the defendant conspired does an overt act in furtherance of
25 the conspiracy during the applicable period of limitations.

26 * Sec. 2. AS 11.31.140 is amended to read:

27 Sec. 11.31.140. MULTIPLE CONVICTIONS BARRED. (a) It is not a
28 defense to a prosecution under AS 11.31.100 - 11.31.120 [AS 11.31.100
29 OR AS 11.31.110] that the crime that is the object of the attempt,

1 conspiracy, or solicitation was actually committed pursuant to the
2 attempt, conspiracy, or solicitation.

3 (b) A person may not be convicted of more than one crime defined
4 by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] for conduct
5 designed to commit or culminate in commission of the same crime.

6 (c) A person may not be convicted on the basis of the same
7 course of conduct of both (1) a crime defined by AS 11.31.100 - 11.-
8 31.120 [AS 11.31.100 OR AS 11.31.110]; and (2) the crime that is the
9 object of the attempt, conspiracy, or solicitation.

10 (d) This section does not bar inclusion of multiple counts in a
11 single indictment or information charging commission of a crime de-
12 fined by AS 11.31.100 - 11.31.120 [AS 11.31.100 OR AS 11.31.110] and
13 commission of the crime that is the object of the attempt, conspiracy,
14 or solicitation.

15 (e) If a person conspires to commit more than one crime under
16 AS 11.31.120, the person commits only one crime of conspiracy if the
17 multiple crimes are the object of the same agreement.

FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 626
 Title: "An Act relating to the crime of conspiracy."
 Sponsor: Repr. Liska
 Requestor: House Judiciary
 Date of Request: 3-22-84

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		34.1	36.1	38.3	40.6	43.0
200 TRAVEL		10.0	10.6	11.2	11.9	12.6
300 CONTRACTUAL		17.6	18.7	19.8	21.0	22.3
400 SUPPLIES		4.2	3.2	3.4	3.6	3.8
500 EQUIPMENT		1.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	67.4	68.6	72.7	77.1	81.7
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	67.4	68.6	72.7	77.1	81.7
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard I. Pegues Director Phone: 465-3672
 Division: Administrative Services Division Date: 3-29-84
 Approved by Commissioner: Norman C. Gorsuch Date: 3-29-84
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Fiscal Note
Analysis
HB 626

March 29, 1984

This bill makes the act of conspiring to commit an illegal activity a crime. Its enactment will permit state attorneys to prosecute conspirators even though the crime that was the object of a conspiracy may never have been completed. Typically, crimes of this nature involve organized criminal activity that is relatively sophisticated and difficult to uncover and document. For this reason, the Department of Law believes that the dedicated services of at least one part-time attorney will be required to effectively carry out conspiracy prosecutions under this legislation. Prosecutions of this sort are usually based upon circumstantial evidence and they involve substantial documentation, expert witnesses, and witness of fact, many of whom would be from out-of-state. Because of the complexity of the cases to be handled, the part-time prosecutor will be located in the department's Office of Special Prosecutions and Appeals so that this position can draw upon the assistance of other special prosecutors.

Fiscal Note Analysis
HB 626

FY 85
Cost Schedule

<u>Object</u>	<u>Atty IV</u>	<u>Total</u>
Personal Services	34.1	34.1
Travel - witness travel	7.5	
Subsistence, staff travel	2.5	10.0
Contractual Services		
Office commo., equip. repair		
Copy & postage	2.4	
Space rental	5.2	
Expert witness/witness fees	10.0	17.6
Commodities - Ongoing		
Office consumables	1.8	
Law library	1.2	3.0
Commodities - one time		
New position materials	1.2	1.2
Equipment - one time		
New position equipment	1.5	1.5
		<hr/>
		67.4

Costs beyond FY 85, shown on the cover page, include a 6% inflation factor.

1.	POSITION TITLE Attorney IV				RANGE/STEP 24A	BARG. UNIT PX	FORM 12	PAGE/LINE	GOV	APPROV.	DISAPP.
2.	TYPE OF POSITION PPT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	CRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 8		LEG.		

3.	CONTINUATION LEVEL				ADDITION			
4.	TYPE OF EXPENDITURE			AMOUNT				
	1		2		3			
	PERSONAL SERVICES							
5.	Salary	2,232	26,784					
6.	Benefits		4,393					
7.	Supplemental Benefits		1,642					
8.	Fixed Benefits		1,316					
9.	TOTAL PERSONAL SERVICES		01	34,135				
10.	Travel		02	10,000				
11.	Contractual		03	17,600				
12.	Commodities		04	4,200				
13.	Equipment		05	1,500				
14.	Other							
15.	TOTAL COST			67,400				

JUSTIFICATION

This position is needed to prosecute violations of the state's new conspiracy Act. The crime of conspiracy is a highly sophisticated form of illegal activity and often very difficult to prove. Prosecution of this crime is usually based upon circumstantial evidence which involves the introduction of substantial amounts of evidence and the testimony of many witnesses, both adverse and friendly. Allocation to the full working level of Attorney IV is therefore recommended.

	RECEIPT CODE	FUNDING SOURCE		
16.		Federal Receipts	1002	
17.		G.F. Match	1003	
18.		General Funds	1004	67,400
19.		I-A Receipts	1005	
20.		Program Receipts	1020	
21.		Other		

FOR B&H USE ONLY
4A KEY NUMBER _____

AGENCY DEPARTMENT OF LAW
PROGRAM DUE PROCESS
BRU PROSECUTION
OPTM APPEALS & SPEC. PROSC.

13 REQUEST FOR
NEW POSITION

FY 85

Page 1 of 1

Revised Date

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 626
 Title: "An act relating to the crime of conspiracy."
 Sponsor: Representative Liska
 Requestor: House Judiciary
 Date of Request: 3-6-84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: Administration of Justice
 BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan F.C.A. Phone: 269-5691
 Division: Alaska State Troopers Date: 03/02/84
 Approved by Commissioner: [Signature] Robert J. Sundberg Date: 3/6/84
 Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER

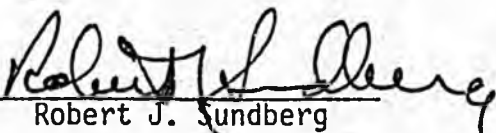
Support

March 3, 1984

HB 626 - "An act relating to the crime of conspiracy."

[REDACTED]

We can see a potential for conflict between 11.31.140 (c) and (e). The former prohibits conviction for both conspiracy and the crime which is the object of the conspiracy. 11.31.140 (e) indicates that if multiple crimes are the object of a conspiracy only one count of conspiracy is charged. If two people conspire to commit four similar crimes, under (e) this is one conspiracy count. If, in fact, three crimes are committed, the fourth to occur at a later date and arrests are made before the fourth crime is attempted, under (c) conspiracy could not be charged for the fourth crime because (e) defines one conspiracy count for all four planned crimes and (c) prohibits conviction for both conspiracy and the criminal act itself.


Robert J. Sundberg
Commissioner

those differences can be resolved."

Well, those differences are differences in Government structure and philosophy. The common interests have to do with the things of everyday life for people everywhere.

Just suppose with me for a moment that an Ivan and an Anya could find themselves, oh, say, in a waiting room or sharing a shelter from the rain or a storm with a Jim and Sally. And there was no language barrier to keep them from getting acquainted.

Would they debate the differences between their respective Governments? Or would they find themselves comparing notes about their children and what each other did for a living? Before they parted company, they would probably have touched on ambitions and hobbies and what they wanted for the children and problems of making ends meet.

And as they went their separate ways, maybe Anya would be saying to Ivan: "Wasn't she nice. She also teaches music."

And Jim would be telling Sally what Ivan did or didn't like about his boss. They might even have decided they were going to get together for dinner some evening soon.

Above all they would have proven that people don't make wars. People want to raise their children in a world without fear and without war. They want to have some of the good things over and above bare subsistence that make life worth living. They want to work at some craft, trade or profession that gives them satisfaction and a sense of worth. Their common interests cross all borders.

If the Soviet Government wants peace, then there will be peace. Together we can strengthen peace, reduce the level of arms and know in doing so that we have helped fulfill the hopes and dreams of those we represent and, indeed, of people everywhere.

Let us begin now.

Combating Organized Crime

PUBLIC AWARENESS AND SUPPORT

By WILLIAM FRENCH SMITH, *Attorney General of the United States*

Delivered at the Town Hall of California, Los Angeles, California, December 19, 1983

I WOULD like to discuss a subject that affects all of us every day, even though it stays generally hidden from public view. It causes our taxes to go up. It adds to the cost of what we buy. And, worst of all, it threatens our personal safety and that of our families — indeed our very freedom. Its trafficking causes untold damage to human lives and human health, yet its revenues are estimated to exceed the net profit of all the Fortune 500 corporations combined. I am speaking of organized crime.

Although combating organized crime is a difficult undertaking, it is not impossible. Indeed, as I will later explain, many successes are now being achieved in that battle. Unfortunately, the public is little aware of the problem or of what the government is doing to combat it. With greater public awareness of the nature and the threat of organized crime, and with greater citizen participation, we could make substantially more headway.

First, in order to provide the context for our efforts today, some history is in order. During the first years of this century, organized crime was a local enterprise. A gang worked a city, often just a neighborhood. The local police were alone in trying to stop organized crime, and the task proved beyond their powers. There was no federal government involvement. And with the ratification of the Eighteenth Amendment, organized crime began a significant expansion in power and influence.

During Prohibition, organized crime groups vied for shares of a market attracting more and more bootleggers, and frequently fought each other as they tried to expand beyond their once limited turfs. Nonetheless, ethnic animosities and gang rivalries gradually abated during Prohibition as cooperation became necessary in the effort to control larger and larger markets. At a 1929 meeting, leading organized crime figures from major cities recognized the need for a national body to mediate differences among groups and formulate a national policy.

The year 1929 is also notable for the federal government's first substantial appearance in the history of organized crime. It was an inauspicious entry. Disturbed by the lawlessness of Prohibition, President Hoover established that year the National

Commission on Law Observance and Enforcement. Named after its chairman, George Wickersham, the Commission urged an "immediate, comprehensive, and scientific nationwide inquiry into organized crime" in order to "make possible the development of an intelligent plan for its control."

No such inquiry took place, however, and no intelligent plan for the control of organized crime was developed. The FBI did what it could against the gangsters, arresting a few such as Al Capone, who served time for income tax evasion. But the FBI lacked statutory authority to investigate most of the activities of the crime syndicates. During the Thirties and Forties, despite laudable law enforcement efforts by some local and state authorities, organized crime prospered as the federal government generally failed to make a response.

Alcohol provided the major source of income for criminal groups from 1920 until the end of Prohibition in 1933. But organized crime had by then already learned how to diversify. The syndicates easily renewed and increased previous involvements in gambling, prostitution, and narcotics. They began investing in legitimate businesses, and also infiltrated labor unions. Organized crime extended its reach nationwide — establishing operations on the West Coast, including Los Angeles.

Not until 1950 did the federal government finally begin to make a systematic inquiry into organized crime. A special Senate committee directed by Estes Kefauver investigated gambling and racketeering activities in interstate commerce. The committee uncovered a national pattern of bribery and protection payments to law enforcement officials and payoffs to local and state political figures to ensure protection from prosecution. The committee determined that a national criminal organization which it referred to as "The Mafia" did exist, and recommended the creation of a rackets squad within the Justice Department.

The Kefauver hearings stimulated local investigations in cities where the committee had exposed organized crime oper-

ations and public corruption. But even with the knowledge obtained from the hearings, the federal government itself still did not take sustained action. The Department of Justice initiated a drive against the leading racket figures identified in the Senate hearings, but while some convictions and deportations resulted, no permanent investigative or prosecutorial units were established until 1954. Even then, only three lawyers in the department were assigned to the Organized Crime and Racketeering Section, which consequently enjoyed only limited success. Again, the federal government failed to see the immediate and growing threat presented by organized crime — a national threat requiring a national response.

The lack of an effective government response was costly. During the Fifties the syndicates continued to grow and consolidate. Organized crime became more deeply involved in white collar crime and in politics. Mobsters more frequently appeared in respectable places and with respectable people.

Not until the early Sixties did the federal government begin to make a substantial enforcement effort against organized crime. Under Attorney General Robert Kennedy, the FBI began monitoring the activities of 400 of the nation's leading organized crime figures. The number of attorneys in the Organized Crime Section jumped to 17 in 1961, and 68 in 1962. Gradually, too, the number of convictions per year began to increase — from 45 in 1960, to 546 in 1964.

Several years later a commission created by President Johnson made numerous recommendations for changes in the criminal law — each of them designed to challenge organized crime. The Omnibus Crime Control and Safe Streets Act of 1968 and the Organized Crime Control Act of 1970 incorporated all eight of the commission's recommendations regarding proof of criminal violations. The 1968 Act was the first federal law to define the term "organized crime" and included a provision for electronic surveillance under a carefully detailed warrant procedure and strict court supervision. The 1970 Act strengthened the government's legal tools in the evidence-gathering process. One provision — the Racketeer Influenced and Corrupt Organizations Act, or RICO — is arguably the most powerful statute available to federal law enforcement officials, because among other things it allows government to seize the illicit profits of organized crime.

Another important initiative at this time was the creation of the first Organized Crime Strike Force. In 1966, the Department of Justice placed a five-man team of attorneys and supervisory personnel from federal investigative agencies in Buffalo, N.Y. Within a short time, the group, dubbed the "Strike Force," convicted the mob underboss and several syndicate figures. In 1969, the Department of Justice began an expansion of the Strike Force program.

In retrospect, the federal law enforcement and legislative initiatives of the Sixties mark a turning point in the history of the government's response to organized crime. To be sure, during the past 20 years there have been periods when the government has not been as effective as it could have been. At times the effort has been confused and misdirected. Even so, it is in the past two decades that the federal government finally has organized a serious law enforcement response and devised mechanisms such as the Strike Forces that have proved so valuable in combatting organized crime.

In the past three years, the Strike Force program has been augmented in order to better lead the fight against traditional organized crime. Specialized cadres of experienced trial attor-

neys coordinate the activities of criminal investigators from all the major federal law enforcement agencies, as well as the local police.

The strike forces have indicted and convicted many of the principal leaders of the traditional crime families in many of our major cities. They have successfully brought major cases in New York, Boston, Cleveland, Chicago, Denver, Kansas City, Miami, Detroit, Philadelphia, San Francisco, Milwaukee, New Orleans — and Los Angeles. During the past three years, in large part because of the efforts of the Strike Forces, the Department of Justice has indicted, tried, and convicted more than 2,600 members and associates of organized crime.

The use of important enforcement mechanisms developed in the Sixties and Seventies have proved immensely helpful. Electronic surveillance under a carefully detailed warrant procedure and strict court supervision has enabled us to gather information on the very secretive crime families. So has the Witness Security Program, which provides protection for informants willing to testify against former underworld associates. In addition, federal officials have successfully gone undercover, posing as members of organized crime, and also set up undercover operations designed to ferret out members of organized crime.

One of our most successful undercover operations occurred here in Los Angeles. The FBI knew that members of the Mafia regularly extorted pornographers and bookmakers, but no extortion victim was willing to testify. So, the FBI set up its own pornography enterprise, named Forex. Forex was located in Van Nuys and ostensibly sold pornography to South America and Mexico.

Forex waited to be extorted, but organized crime kept its distance, apparently suspicious of the legitimacy of the new business. So after three months, the FBI used an informant to spread the word on the street that the government was looking into Forex. That helped establish the company's bona fides with organized crime. Still, however, there was no extortion attempt. Next an undercover agent with the new name of Vince Lombard put the word out that the company was being extorted.

That tactic worked. The mobsters moved in. They told Lombard never to extort a pornography business again and to leave the country. They gave Forex the choice of making payments to them or never again doing business anywhere in the United States. At this point we moved in. As a result of our effort which was called "Pornex," the entire ruling hierarchy of the Los Angeles organized crime family was convicted of RICO charges.

With the help of operations such as Pornex, the Organized Crime Strike Forces have destroyed the myth that the leadership of organized crime is "untouchable." One reason the syndicates gained such a foothold in American society is just this myth, which made it easier for them to recruit new members and enforce loyalty. Now that we have more knowledge of how organized crime works, we have been able to decimate the top ranks in many areas.

Although the Strike Force program is an important part of the effort against organized crime, other new approaches have been undertaken in the past three years. Today, organized crime is heavily involved in drug trafficking. Indeed, the drug trade is now our nation's number one crime problem — especially when one considers the criminal activities spawned by drug trafficking. For example, a recent study done of the Baltimore area found that 243 addicts committed a total of almost a half million crimes over an 11-year period — or an average of 2,000

each — one every other day.

The Posse Comitatus law, passed after the civil war, prevents the armed forces from engaging in law enforcement activities. We have sought and obtained an amendment to this law which now permits us to utilize the resources and intelligence gathering capability of the military — for the first time. This has already been enormously valuable in the fight against drug trafficking.

And for the first time, too, we have brought the FBI into the drug enforcement effort by consolidating the Drug Enforcement Administration with the FBI. The FBI has a sophisticated understanding of the organizational and financial aspects of the organized crime cartels. It has unique knowledge of, and ability to follow, the flow of money. This expertise is essential to combatting the highly sophisticated activities of modern organized crime, and it is now being put to work in the fight against drug trafficking. Our departmental reorganization has been highly successful, resulting currently in 765 FBI cases and almost 600 joint DEA/FBI cases.

South Florida has long been the hot spot for drug trafficking. In response, the South Florida Task Force was established in 1982. For the first time, all of the agencies of the federal government dealing with this problem were brought together within a single entity.

The success of this Task Force guided us in formulating the major eight-point initiative against organized crime and drug trafficking announced by President Reagan last year. The centerpiece of the program was the creation of 12 new task forces patterned on the South Florida model and deployed throughout the country. These Task Forces are now fully operational. Already more than 100 indictments against more than 1,000 defendants have been brought. And more than 200 individuals have been convicted.

Of the 425 cases now under investigation by the Drug Task Forces, only a small number involve traditional organized crime. Most involve new or emerging groups attracted to the lucrative profits of drug trafficking. Some names you will recognize but most you will not. They include the Hell's Angels, the Outlaws, the Pagans, the Bandidos, La Nuestra Familia, the Mexican Mafia, the Aryan Brotherhood, the Black Guerrilla Family, the Japanese Yakuza, the Chinese Triad Societies, the Israeli Mafia, and the Cocaine Cowboys.

These modern cartels are involved in the importation and distribution of drugs, the financing of drug trafficking, and money laundering schemes. As is also true of traditional organized crime, they are also engaged in continuing criminal enterprise, abuse of the bank secrecy laws, narcotics conspiracy, and public corruption. Employing the law enforcement weapons developed to fight traditional organized crime, we are making an assault on these organizations even as they are developing.

Today, as organized crime is developing new and different forms, it is also experiencing another evolution — from national in focus to international, a change mostly related to drug trafficking. Of the three drugs that most trouble us from a law enforcement perspective, two — heroin and cocaine — come exclusively from abroad, and one, marijuana, comes predominantly from abroad. Because of the drug trade, the relationships between organized crime families in New York and Palermo are strikingly similar to those historically existing between organized criminals in New York and Chicago.

It is essential that we develop close working relationships at

the highest levels with the governments of countries that are the source of illegal drugs or through which drugs travel. It is equally important that we understand the problems faced by those countries and that they understand our concerns. Cooperation on procedural matters is an essential step. To this end, we have negotiated, and are continuing to negotiate, mutual assistance law enforcement and extradition treaties with the various countries involved.

Already we have been successful in crop control and eradication programs — notably in Turkey and Mexico. And we are working — however slow the results — with other countries to control the supply and processing of opium and coca plants and their derivatives.

As we proceed with enforcement programs at home and cooperative efforts abroad, we must also keep our knowledge of organized crime up to date. In the past we did not recognize organized crime for the problem that it was. High government officials and some academics often treated the threat of organized crime, and even its existence, with skepticism. For decades organized crime grew because it was not stopped from growing. We — all of us — have paid for the fact that for many years there was no organized response to organized crime. History counsels the wisdom of learning as much as we can about the new and emerging crime cartels so that we can attack them before they become as entrenched as the Mafia did.

At the end of November the President's Commission on Organized Crime, held its first meeting in Washington. As part of the President's eight-point program against organized crime and drug trafficking, the Commission will study organized crime as it exists today, giving special attention to the emerging drug cartels. The Commission will focus public attention on and further define the nature of the evil that affects us all.

Another part of the President's program calls for strengthening the federal criminal laws that touch organized crime. These include sentencing, bail, forfeiture, and numerous other reforms that would measurably improve our law enforcement ability.

I cannot underestimate the importance of congressional action on the crime bill. Instances abound of cases where current law simply fails to serve the interests of justice. For example, federal sentencing law permits so much judicial discretion that a convicted organized crime figure — facing up to 40 years in prison — was instead sentenced — if you can call it that — to a year in a local community treatment center followed by five years of probation. This criminal must spend only his nights at the treatment center — by day he will be free to do as he pleases. This is the astonishing result, after thousands of hours of effort by investigators, prosecutors, and other law enforcement officials.

In the last Congress, the Senate passed a crime bill containing sentencing and other reforms by a vote of 95 to 1. We hope that both the Senate and the House of Representatives will similarly act before the end of the current session in 1984.

Organized crime is a force *Americans* will have to contend against. The Department of Justice — the federal government — cannot do the job alone. Public knowledge about organized crime and support of the government's law enforcement efforts are key to future success.

With greater public awareness of organized crime, and greater public support of the federal law enforcement effort, we can achieve a future different from our past — a future in which the cancer of organized crime is finally brought under our control.

1978. For current provisions on theft, see AS 11.46.100 — 11.46.290.]

Secs. 11.20.280 — 11.20.340. Embezzlement. [Repealed, § 21 ch 166 SLA 1978. For theft by failure to make required disposition of funds received or held, see AS 11.46.210.]

Sec. 11.20.345. Extortion. [Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.41.520.]

Sec. 11.20.350. Receiving Stolen Goods. [Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.190 and 11.46.210.]

Secs. 11.20.360 — 11.20.510. False Pretenses and Frauds. [Repealed, § 21 ch 166 SLA 1978. For theft by deception, see AS 11.46.180; for business and commercial offenses, see AS 11.46.600 — 11.46.730.]

Secs. 11.20.515 — 11.20.650. Malicious Mischief and Trespass. [Repealed, § 21 ch 166 SLA 1978. For criminal trespass, see AS 11.46.320 — 11.46.350; for criminal mischief, see AS 11.46.480 — 11.46.486.]

Sec. 11.20.660. [Renumbered as AS 11.76.120.]

Secs. 11.20.670 — 11.20.690. Misuse, Damage, or Destruction. [Repealed, § 21 ch 166 SLA 1978. For criminal mischief, see AS 11.46.480 — 11.46.486.]

Chapter 22. Alaska Credit Card Crimes Act.

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.46.285 — 11.46.290.]

Chapter 30. Offenses Against Public Justice.

[Repealed, § 21 ch 166 SLA 1978. For current law, see AS 11.56.]

Chapter 31. Attempt and Solicitation.

Section
100. Attempt
110. Solicitation
140. Multiple convictions barred

Section
150. Substantive crimes involving attempt or solicitation

Collateral references. — 21 Am. Jur. 21 Criminal Law, §§ 158 — 162.
22 C.J.S., Criminal Law, §§ 73 — 78.
What amounts to attempt to manufacture intoxicating liquor within criminal law, 22 ALR 225.
Solicitation to crime as substantive common-law offense, 35 ALR 961.
What constitutes attempt to commit robbery, 55 ALR 714.
What conduct amounts to an overt act or act done toward commission of murder so as to sustain charge of attempt to murder, 96 ALR 918.
Criminal offense of obtaining money under false pretenses, or attempting to do so, predicated upon receipt or claim of benefits under insurance policy, 135 ALR 1157.
Attempt to commit crime as to driving, being in control of, or operating a motor vehicle while intoxicated, 47 ALR2d 590.
Entrapment to commit or attempt abortion, 53 ALR2d 1156.
What justifies escape or attempt to escape, or assistance in that regard, 70 ALR2d 1430.
Attempt to commit assault as criminal offense, 79 ALR2d 597.
Fact that gun was unloaded as affecting criminal responsibility for attempt to commit murder, 79 ALR2d 1432.

Attempts to receive stolen property, 85 ALR2d 259.
Attempt to escape or commit prison breach as affected by means employed, 96 ALR2d 520.
Attempts to commit offenses of larceny by trick, confidence game, false pretenses, and the like, 6 ALR3d 241.
Impotency as defense to charge of rape, attempt to rape, or assault with intent to commit rape, 23 ALR3d 1351.
Woman upon whom abortion is committed or attempted as accomplice for purposes of rule requiring corroboration of accomplice testimony, 34 ALR3d 858.
Comment note on impossibility of consummation of substantive crime as defense in criminal prosecution for conspiracy or attempt to commit crime, 37 ALR3d 375.
What constitutes attempted murder, 54 ALR3d 612.
Temporary unauthorized absence of prisoner as escape or attempted escape, 76 ALR3d 695.
What conduct amounts to an overt act or acts done toward commission of larceny so as to sustain charge of attempt to commit larceny, 76 ALR3d 842.
Robbery, attempted robbery, or assault to commit robbery, as affected by intent to collect or secure debt or claim, 88 ALR3d 1309.