

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8127 HOUSE STATE AFFAIRS

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TRAVEL TRADE COMMITTEE:

Mr. Walker presented the report. The first issue discussed was the awarding of the contract to McCaulley and Associates for the seminar coordination contract. Mr. McCaulley will provide us with a time line in addition to scouting location reports. The earliest we can go on this is March 93. ATMC staff is issuing a RFP for seminar speaker, total cost \$25,000. We will meet with Mr. McCaulley to set the date and get this ready for March. Speaker qualifications basically are, excellent communication skills, extensive knowledge of Alaska and the travel industry with emphasis on travel agents. We also request a video presentation of their proposal so we can see them in advance.

Motion: It was moved by Walker and seconded by Ward to implement a review committee consisting of Mr. Walker, Ms. Lindgren, and Mr. Pedlar to review the RFP bids and make a decision on that individual. The motion passed.

Mr. Walker added that it was suggested to add a 800 line for travel agents who attend the seminars. This is being looked into. Bernholz & Graham is going to prepare design and content options for the travel agent manual used at the seminars and provide us with cost estimates.

Mr. Walker reported on the ORG Travel File. A presentation was given that showed for \$5,000 the ATMC could access and list the entire travel planner minus the ad in each of the major airlines COT systems, allowing travel agents access to the information currently in the travel planner. There is also the opportunity of making that information available to certain personal computers.

Motion: It was moved by Walker and seconded by Dunbar to go ahead with spending \$5,000 to participate in the ORG Travel File for one year. The motion passed.

ADVERTISING REPORT:

Mr. Dindinger gave the report on behalf of Mr. Pedlar.

Motion: It was moved by Dindinger and seconded by Walker to appoint Klaus Roth to the advertising committee. The motion passed.

Mr. Dindinger reported that we are currently behind on inquiry response. The committee recommends a direct mail program in January along with our scheduled program to pick up the additional names. The cost is \$121,900.

Motion: It was moved by Dindinger and seconded by Roth that we hold the budget allocation till the planning committee report but move to pick up the additional 30,000 names through direct mail. The motion passed.

For the past 4-5 years the ATMC has been challenging it's own success by testing the print ad every year. Finally, there is something that pulls better than the historical control ad.

Motion: It was moved by Dindinger and seconded by Roth that we replace the control ad in all of the February insertions and the newspaper ad with the new ad. The motion passed.

Motion: It was moved by Dindinger and seconded by Odle that the newspaper plan in the packet be accepted. The motion passed.

Motion: It was moved by Dindinger and seconded by Walker that the agency replace footage in the current television ads, saving the council \$12,000 in talent rights in the first year, however it will cost \$5,000 to do the edit this year. The motion passed.

Motion: It was moved by Dindinger and seconded by Litten that the committee empower the agency to obtain a suitable voice other than Tom Skerritt in the T.V. ads as the cost for him has gone beyond our budget. The motion passed.

Mr. Dindinger then gave an update on the radio test. It is the recommendation of the committee to go ahead with this and produce the creative for the February meeting.

PLANNING COMMITTEE:

Mr. Dindinger gave the planning committee report on the FY 93 budget requests as follows:

Winter brochure	10,000
New music/film	15,000
Two B rolls	10,000
Direct Mail	
(30,000 inquiries)	121,900
TV re-edit	7,500
ORG	5,000
PR/Alascom 800#	15,000
NTA	17,000
PR/Wolf Project	50,000

Motion: It was moved by Dindinger and seconded by Karp to accept the committee recommendations in terms of re-allocating the \$250,000.

Amendment: It was moved by Dindinger and seconded by Rosenberg to delete the \$50,000 for the wolf project from the report. The motion passed.

The main motion passed.

Motion: It was moved by Dindinger and seconded by Ward that Ms. Lindgren be authorized to request \$200,000 in receipt authority for the FY93 budget. The motion passed.

Motion: It was moved by Dindinger and seconded by Dunbar to approve the budget request as has been previously submitted by staff. The motion passed.

Motion: It was moved by Dindinger and seconded by Ward that Ms. Lindgren be empowered to testify on all budget issues and that she be the primary spokesperson. If she is unable to participate, the vice chair/planning committee chair would testify. The motion passed.

Motion: It was moved by Dindinger and seconded by Roth to accept the agency recommended video policy. The motion passed.

Motion: It was moved by Dindinger and seconded by Ward that the bylaws be changed to establish one at large member of the planning committee and that any ad-hoc committee that has a budget, receive a seat on the planning committee. The motion passed.

Motion: It was moved by Dindinger and seconded by Litten to accept the committee's recommendation that Brad Phillips be appointed to the planning committee as the at large member.

Discussion ensued. Mr. Rosenberg pointed out that the planning committee is not representative of the council as a whole. The planning committee has good AVA representation from Southeast, Anchorage, and Seattle. To balance the committee, Mr. Rosenberg suggest adding Cathy Dunbar.

Motion: At the request of Mr. Phillips, the motion was withdrawn.

Mr. Murray opened the floor for nominations for a seat on the planning committee, Ms. Dunbar and Ms. Campbell were nominated. Written ballots were counted, Cathy Dunbar will serve on the committee.

Motion: It was moved by Litten and seconded by Dindinger that the initial policy statement calling for the immediate end to the wolf killing be directed to the Board of Game, and that we withdraw our support to the second policy.

Discussion ensued. Mr. Phillips recommended we add a very definite scenario, that wolf killing is not in the best interest of tourism, never was, never will be. The tourism industry is being blamed for the wolf killing. This must be strongly opposed.

Mr. Litten explained the discussion during the lunch break with the governor's office. The governor will not intervene on our behalf to rescind anything on the Board of Game's decision. He added that if we want to go directly to the Board of Game, we should. The strategies behind the Wolf Summit were discussed and somewhat outlined, he requested that we have anywhere from 12 to 20 people prepared to testify at that Summit on behalf of visitor industry. It was felt that there would be 2 1/2 days of breakout sessions and that individual members could spread themselves out amongst those groups so that the visitor industry would have input on all levels. We will participate no matter what the environmental lobby does. It is obvious we need to participate with these agencies.

More discussion ensued regarding the wolf hunt and the department of fish and game, who does what, etc. It would be a good idea to quantify losses due to this wolf hunt.

Motion: It was moved by Litten and seconded by Rosenberg that the first policy be re-directed to the Board of Game, and that we rescind the second policy to remove Kellyhouse. A resolution will be drafted in support of our position that the State of Alaska will never make wildlife management decisions on behalf of tourism. The motion passed.

Mr. Phillips suggested that a committee be formed to draft the resolution. Mr. Murray then directed Mr. Phillips, Mr. Rosenberg and the PR firm to work on the draft.

Mr. Jacobson stated that AVA would work hard to reverse the decisions regarding the wolf hunt, but don't know that it will be reversed. More discussion and speculation ensued regarding the wolf hunt.

Motion: It was moved by Litten and seconded by Campbell that up

to \$150,000 be allocated toward implementation of the plan as originally stated. Adoption of the original public relation request. The motion passed.

UNFINISHED BUSINESS

Mr. Murray gave a report on the Teijon 93 International Expedition taking place in Korea next year. The site is spectacular, they are anticipating 10 million people will visit the fair. The organizing committee has offered space free of charge but we have to pay for the exhibit itself and management. State agencies have already pledged between \$250,000 and \$300,000. The ATMC is asked to consider a participatory fee which would be out of next years budget. Information is also available to show what an excellent tourism market there is in Korea. If you are interested in participating, contact Conn Murray.

NEW BUSINESS:

Ms. Fleming reported on new photography, showing samples of photos from Robin Hood and Red Bradley.

OTHER BUSINESS:

Mr. Karp offered a reminder to pick up Kenai Peninsula Planners.

Mr. Dow discussed a draft report for Destination: Alaska which has been revised subsequent of the AVA meeting in Kenai last month and he expects to have that out around the end of the year, copies will be made available.

Mr. Dindinger reported he received a call from Legislative Audit on the sunset provision. There were a lot of questions, and they indicated they would be calling other council members.

Mr. Elander extended an invitation to a reception at the Egan Center tonight sponsored by AVA/ACVB.

Mr. Phillips will be speaking in San Francisco in January on Alaska Tourism. Any ideas will be appreciated.

A draft resolution regarding the wolf issue was read.

Motion:

It was moved by Dunbar and seconded by Litten that the resolution wording be changed to addressed either wolf

killing or wolf management solely, that we pass the resolution and offer AVA to sign jointly, that we keep the governor informed and pass the resolution on to AVA for their use over the weekend. The motion passed.

Motion: It was moved by Phillips and seconded by Murray that the resolution be adopted as read. The motion passed.

ALASKA TOURISM MARKETING COUNCIL
OPPOSING THE AERIAL HUNTING OF WOLVES

WHEREAS, wildlife is a treasured Alaska resource and a primary visitor attraction for this state;

WHEREAS, the Alaska Visitor Industry does not support the killing of wolves for the benefit of tourism;

WHEREAS, the international perception has been that the proposed wolf kill is to be accomplished to benefit tourism;

WHEREAS, the impact of this perception is damaging to the state's image, its industries, its people and its economic well-being;

THEREFORE, BE IT SO RESOLVED that as Alaskans and as representatives of the state's fastest growing industry, we strongly urge that the Board of Game terminate the aerial hunting of wolves permanently and unequivocally, and furthermore, to do so immediately before irrevocable damage to Alaska tourism is done.

Adopted by the ATMC on December 9, 1992

COUNCIL MEMBER COMMENTS:

Mr. Rosenberg discussed that he was recently conversing with Russ Berry, Superintendent of Denali National Park. Mr. Berry offered to appear before this council to speak about Denali National Park. He also passed around a newspaper editorial that questions a judge's ruling that it is unlawful for two members of a public body to discuss business outside of a meeting.

ADJOURNMENT:

The meeting was adjourned at 3:15 p.m.

**MEMORANDUM OF UNDERSTANDING
REGARDING
WATCHABLE WILDLIFE AND ECOTOURISM
IN ALASKA**

among the

Alaska Department of Fish and Game
Alaska Division of Parks and Outdoor Recreation
Alaska Division of Tourism
Alaska Department of Transportation and Public Facilities
Alaska Marine Highway System

and

USDA Forest Service, Region 10
Bureau of Land Management
U.S. Fish and Wildlife Service, Region 7
National Park Service
National Marine Fisheries Service
USDA Soil Conservation Service
6th Infantry U. S. Army
11th Air Force

and

National Audubon Society, Alaska-Hawaii Region
National Wildlife Federation, Alaska Natural Resource Center
The Nature Conservancy, Alaska Field Office
Alaska Conservation Foundation

and

Alaska Visitors Association
Alaska Tourism Marketing Council
Alaska Society of Convention and Visitor Bureaus
Alaska Wilderness Recreation and Tourism Association

I. BACKGROUND

In December 1990, a Memorandum of Understanding (MOU) to coordinate development of a nationwide watchable wildlife program was signed by the International Association of Fish and Wildlife Agencies, eight federal agencies, and four conservation organizations. A watchable wildlife program is defined here as a coordinated program to enhance public opportunities for sustainable low-impact wildlife-related recreation including viewing, photography, bird feeding, nature study, and wildlife appreciation. This MOU is designed to expand the national effort within Alaska, by including agencies and groups pertinent to coordination for watchable wildlife and ecotourism within the state.

Wildlife-associated recreation is important nationwide and was identified as one of the nation's most popular outdoor activities by the President's Commission on Americans Outdoors in 1986. According to the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation reports from 1980 and 1985, wildlife watching (including viewing, photography, and feeding) is the fastest growing segment of wildlife-associated recreation. Participation increased from 93 million U.S. participants in 1980 to 135 million in 1985, which represents nearly 80% of the adult population.

Similarly, data from the World Tourism Organization show that wildlife-related tourism and conservation-based travel or "ecotourism" have significant economic value and are some of the fastest growing areas of the tourism market, both domestically and internationally. For the purposes of this MOU, ecotourism is defined as travel to natural areas that incorporates the natural history of the environment, and preserves the integrity of the environment, while producing opportunities that make the conservation of natural resources economically beneficial to local people.

The national recreation survey reported that 75% of Alaskans participate in residential or trip-related wildlife watching. In addition, tourism surveys in Alaska in 1985 and 1989 have documented that wildlife viewing and birdwatching were the activities with the highest level of participation by visitors in every region of the state, outranking sport fishing, hunting, hiking, flightseeing, or city tours. Ecotourism is gaining attention as the visitor industry in Alaska vies for a share of the world market.

Several states and Canadian provinces have recognized the value of developing a comprehensive and coordinated watchable wildlife program to enhance recreational opportunities for residents, to attract tourism, to educate the public about the value of wildlife, and to make conservation of wildlife habitat an economic asset. Alaska has the potential to develop a model watchable wildlife and ecotourism program based on unique wildlife, spectacular scenery, open space, and wilderness image.

II. PURPOSE

The purpose of this MOU is to encourage partnerships; cooperation and coordination of sustainable watchable wildlife and ecotourism opportunities on federal, state and private lands. Such a cooperative arrangement has many benefits, including enhanced recreational, educational, conservation, and economic opportunities. This agreement will enhance continuing efforts of public agencies and private organizations to conserve Alaska's valuable wildlife heritage, while also benefiting people.

III. AUTHORITY

This MOU is made and entered into by and among the Alaska Department of Fish and Game; Alaska Department of Natural Resources, Division of Parks and Outdoor

Recreation; Alaska Department of Commerce and Economic Development, Division of Tourism; Alaska Department of Transportation and Public Facilities; and Alaska Marine Highway System, hereinafter referred to as ADF&G, Parks, Tourism, DOT/PF, and AMHS, respectively; and the USDA Forest Service Region 10, Bureau of Land Management, U.S. Fish and Wildlife Service Region 7, National Park Service, National Marine Fisheries Service, USDA Soil Conservation Service, 6th Infantry U. S. Army, and 11th Air Force, hereinafter referred to as FS, BLM, FWS, NPS, NMFS, SCS, Army, and Air Force, under the provisions of the:

1. BLM: Federal Land Policy and Management Act of 1976, 43 U.S.C. # 1701-1782 (1988); an Act approved October 24, 1984, Pub. L. No. 98-540, 98 Stat. 2718.
2. FWS: Fish and Wildlife Act of 1956, 16 U.S.C. # 460k-2 (1988); Fish and Wildlife Conservation Act of 1980, 16 U.S.C. ## 2901 et seq (1988); and Fish and Wildlife Coordination Act, 16 U.S.C. # 661 (1988);
3. NPS: National Park Service Organic Act of 1916, 16 U.S.C. # 1 (1988); # General Authorities Act of 1970, 84 Stat. 825 (codified as amended at ## 16 U.S.C. ## 1a-1, 1a-2, 1c (1988)); Outdoor Recreation Act of 1963, 16 U.S.C. ## 4601-3 (1988), and National Historic Preservation Act of 1980, 16 U.S.C. ## 470 to 470w-6 (1988);
4. FS: Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. ## 528-531 (1988); and Cooperative Funds Act of June 30, 1914, 16 U.S.C. # 498 (1988);
5. Army (Civil Works): Flood Control Act of 1944, 16 U.S.C. # 760d (1988); and Federal Water Project Recreation Act of 1965, 16 U.S.C. 4601-12 to 4601-21 (1988); and
6. Army (Installations, Logistics, and Environment) and Air Force: Sikes Act, as amended, 16 U.S.C. ## 670a-670f (1988).
7. SCS: Conservation Operations, PL-74-46, 16 U.S.C. 590a(3); and
8. SCS: Resource Conservation and Development, PL-74-46 and 87-703, 7 U.S.C. 1011.
9. Parks: A.S. 41.21.010 - .020 and A.S. 38.05.295.
10. ADF&G: A.S. 16.05.050(13).

IV. INTRODUCTION

The participating parties to this agreement have responsibilities or interests in enhancing sustainable opportunities for the public in Alaska to observe wildlife in safe natural settings. The parties agree that increased effort should be made to: identify and publicize watchable wildlife opportunities on private and public lands; cooperate in providing facilities; provide interpretation and educational materials on wildlife biology and management; provide safe access to such sites where such activities are not harmful to wildlife or other resources; and that these efforts should enhance wildlife conservation. The parties further recognize and agree that a cooperative approach should be followed whenever practical.

The ADF&G represents the wildlife agency with the responsibility for conserving and managing wildlife and providing opportunities for public use statewide. In this role, ADF&G will initiate and assist development of partnerships to enhance sustainable watchable wildlife opportunities in Alaska.

The participating state and federal agencies have a variety of responsibilities in managing their diverse lands and programs. Among some of these are the responsibilities to provide wildlife-associated recreation opportunities, and to ensure and manage the abundance and diversity of wildlife and their habitats. Even though these agencies have different mandates and policies, many opportunities exist to enhance development of sustainable watchable wildlife recreation and ecotourism.

One of the objectives of conservation and outdoor recreation groups in Alaska is to help perpetuate populations of wildlife on suitable lands, both public and private, for human enjoyment. These organizations, therefore, desire to participate with cooperating state and federal agencies and other private corporations and organizations by assisting in the development and implementation of sustainable watchable wildlife and ecotourism opportunities in Alaska.

Private corporations and organizations have interests in enhancing opportunities for watchable wildlife and ecotourism on public and private lands. Therefore, these organizations desire to participate with cooperating state and federal agencies, and conservation and outdoor recreation groups, to assist in developing and implementing sustainable watchable wildlife and ecotourism opportunities on public and private lands.

In summary, it is the mutual belief of the signatories that implementation of the MOU will:

- Provide enhanced watchable wildlife opportunities in a sustainable manner for residents and visitors on private and public lands;
- Promote learning about wildlife and the conservation of land, water, and vegetation needed to maintain wildlife habitat;
- Provide economic benefits that will promote conservation of wildlife and habitat;
- Protect, maintain, and improve wildlife habitat to prevent depletion of any native species;
- Enhance federal and state wildlife management programs;
- Enhance support of wildlife resource conservation by Alaskan residents and visitors.

V. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE SAID PARTIES THAT:

1. ADF&G will be responsible for organizing an annual meeting among the cooperating parties and preparing and distributing an annual summary of program accomplishments to the cooperating organizations.
2. Each party will designate a representative to meet annually with representatives of the other participating agencies and organizations to discuss and reach agreement on program proposals to meet the purposes of this agreement.
3. Each land management agency will make available, where appropriate, public lands for the furtherance of this program, subject to applicable laws, regulations, policies, and land use and activity plans for the affected area, and subject to approval by an authorized official of the agency administering the area involved.

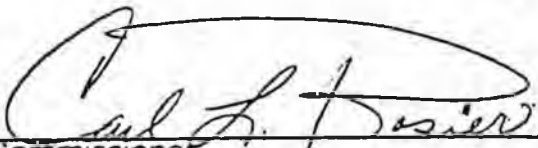
4. Each land management agency will assume operation and maintenance and other management costs and responsibilities upon establishment of watchable wildlife sites and ecotourism areas located on respective agency lands, or may enter into agreements with appropriate organizations for such operation and maintenance.
5. All improvements placed on federal or state agency lands as a result of this cooperative initiative will become the property of the United States or the State of Alaska, respectively, and will be subject to the same regulations and administration of those lands as all other federal or state improvements of a similar nature.
6. Each land management agency will monitor, to the extent practicable, the effects of public use of watchable wildlife sites and ecotourism on their own lands. Public use will be modified accordingly to avoid any unacceptable impacts to wildlife or other resources.
7. Any party may provide leadership for the planning, implementation, and monitoring of work undertaken pursuant to this agreement and supplement to this agreement.
8. Specific projects between or among any of the signatories, including transfer of funds, will be set forth in separate written agreements that specify the terms and conditions of such assistance and signed by the responsible officials.
9. Assistance provided by non-governmental organizations is intended to supplement state and federal funding, staff time, material, equipment, and/or service.
10. The binoculars symbol (national wildlife viewing area sign RG-210) will be used to enhance statewide visual recognition of designated watchable wildlife areas.
11. This agreement in no way restricts the cooperating agencies and organizations from participating with other public and private agencies, organizations, and individuals; or from accepting contributions and gifts for the improvement, development, administration, operation, and maintenance of watchable wildlife areas; or from developing watchable wildlife areas on their own appropriate lands; or from using the binocular symbol in watchable wildlife projects developed outside the context of this MOU.
12. Nothing in this agreement will be construed as obligating the participating parties to expend, or involve the United States or the State of Alaska in any obligation for future payment of money, in excess of appropriations authorized by law and administratively allocated for these purposes.
13. The federal government's liability will be governed by the provisions of the Federal Tort Claims Act (28 U.S.C. 2671-80).
14. This agreement may be revised as necessary, by mutual consent of all parties, and by the issuance of a written amendment signed and dated by all parties.
15. Any party may terminate participation under this agreement by providing 60 days written notice. Unless terminated by written notice of all parties, this agreement will remain in force indefinitely, subject to a 5-year review.

16. Each party agrees that it will be responsible for its own acts and the results thereof and each party shall not be responsible for the acts of the other party; and each party agrees it will assume to itself risk and liability resulting in any manner under this agreement.
17. No member of Congress shall be admitted to any share or part of the agreement or to any benefit that may arise therefrom.
18. Each party will comply with all applicable laws, regulations, and executive orders relative to Equal Employment Opportunity.
19. Nothing herein is intended to conflict with federal, state, or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.
20. Policy and position announcements relating specifically to this cooperative program may be made only by mutual consent of the agencies.

VI. EFFECTIVE DATE

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date first written above.


ORGANIZATIONS


 Commissioner
 Alaska Department of Fish and Game

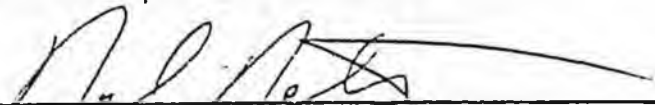
4/28/92


 Director, Division of Wildlife Conservation
 Alaska Department of Fish and Game

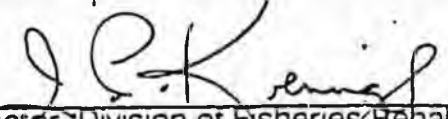
4/29/92


 Director, Division of Habitat
 Alaska Department of Fish and Game

4/29/92


 Director, Division of Sport Fish
 Alaska Department of Fish and Game

4/30/92


 Director, Division of Fisheries Rehabilitation, Enhancement, and Development
 Alaska Department of Fish and Game

4/30/92

Cornell H. Munn 5-20-92
Director
Alaska Division of Tourism

M. Hansen 11 AUG 1992
Director
Alaska Division of Parks and Outdoor Recreation

J. S. Surgen 6-9-92
Commissioner
Alaska Department of Transportation and Public Facilities

James R. Pines 5-21-92
System Director
Alaska Marine Highway System

Mike Barton 6/18/92
Regional Forester
USDA Forest Service

Burland Bucher 7/22/92
ACTING State Director
Bureau of Land Management

Daniel B. Allen 8/4/92
Acting Regional Director
Fish and Wildlife Service

John J. Zumbach 8/12/92
Regional Director
National Park Service

Steven Penney 7/14/92
Director
National Marine Fisheries Service

[Signature] 8/28/92
State Conservationist
USDA Soil Conservation Service

Robert D. Dume 11/5/92
Commander
6th Infantry U. S. Army

Joseph W. Ralton

10-16-92

Commander
11th Air Force

David R. Olney

8-26-92

Regional Vice President
National Audubon Society, Alaska-Hawaii Regional Office

Stephen L. Miller

8/24/92

Director and Regional Executive
National Wildlife Federation, Alaska Natural Resource Center

Suzanne L. Ruddy

9/2/92

Alaska Director and Vice President
The Nature Conservancy

Jim Gault

26 AUG 92

Program Director
Alaska Conservation Foundation

Karen J. Couart

9/4/92

Executive Director
Alaska Visitors Association

Ima Lidgren

9/21/92

Executive Director
Alaska Tourism Marketing Council

Ken Fenley

9/18/92

President
Alaska Society of Convention and Visitor Bureaus

Nancy R. Lettore

9/30/92

President
Alaska Wilderness Recreation and Tourism Association

GOVERNOR'S TOURISM COORDINATING COMMITTEE MEETING

March 4, 1993 Juneau

Follow-Up Report

Participants Present: Sandi Anderson, Jim Ayers, Michael Barton, Bruce Batten, Katleyn Ohmer, Ellen Campbell (Forest Service) Judith Doyon, Dave Kellyhouse (DF&C Wildlife Conservation) Neil Johannsen, Janet McCabe, Gerry McDonagh (DCR), Chuck Meacham, Conn Murray, Elbert Reed (Forest Service) Janet Swanson (Alaska Railroad), David Teal, Dave Vickery (USBLM), Wendy Wolf, Nena Berry (Staff).

Special Presentors: Bob Englebrecht and Karen Cowart of AVA for Destination: Alaska; and Tom Garrett about the Yakataga Land Use Plan

Introduction Conn Murray welcomed returning committee members and new participants. He reported that Legislative Budget and Audit has recommended sunsetting the Tourism Coordinating Committee. Murray concurs sunsetting the formal committee but strongly recommends continuing the meetings on an informal basis twice a year. Relieved of the statutory regulations, open meetings act, etc. the committee would be free to invite members of the private sector to participate.

Watchable Wildlife

Dave Kellyhouse, Director, Division of Wildlife Conservation, Dept. of Fish and Game reported on the program. A recent polling indicated that to 80% of Alaska's visitors, watching wildlife was the main reason that they travel to the state. The division staff working on the watchable wildlife program are focusing on developing watchable wildlife opportunities closer to the road system and are targeting specific species--the Dall sheep at Turnagain Arm and geese and the Tok cutoff, for example. This development creates a challenge, however, due to the limited infrastructure and interpretive signage along the road system. The division is working with Dept. of Transportation and Public Facilities (DOTPF) to create and improve highway facilities; staff is updating their roadside viewing guide (not to be confused with the Falcon Press watchable wildlife guide is still "no go"); and working with the ferry system to place naturalists on the vessels. Johannsen suggested the Alaska Natural History Association as a publisher for the guide.

Keilyhouse added that certain legislators are questioning the use of general funds for watchable wildlife and suggested developing a user fee system to help fund the program. One idea would be to create a program wherein a visitor would contribute approximately \$15.00 in exchange for an attractive souvenir lapel pin, decal, or patch that would designate that visitor as a supporter of Alaska's watchable wildlife program. Barton mentioned that a passport system, like Alaska Pass has, might work. Visitors would get their souvenir passport stamped at each watchable wildlife area. He also

suggested trying to develop this idea through the private sector. Meacham commented that it would be too difficult and time consuming for the private sector, but the TCC would be the perfect group to promote this idea. McCabe suggested soliciting proposals from those individuals/groups that have created a program similar to the ones being discussed.

Action: Committee Members. Submit names of prospective individuals/companies that have been involved with a passport-type program to Wendy Wolf.

Action: Wendy Wolf. Wolf will call and get more information about what others have done in this area and solicit proposals for review at the next meeting.

Kellyhouse continued to say that the program would be marketed aggressively through publications such as Alaska Magazine and the various department publications. HB 172 and SB 107, which would grant the Department of Fish and Game authority to establish this fee structure and designate the funds received from this program be reappropriated back to the watchable wildlife program, are in the legislature now and have passed through the House.

Wolf stated that the Watchable Wildlife Steering Committee recently met to begin working on a strategic plan. Including this program in their plan would help garner support for their plan by the TCC.

McCabe stated that the watchable wildlife program is integral to the ISTEAs program. Already ISTEAs has been used in two ADF&G programs.

The entire committee felt this program would have great revenue potential. Murray said that the Division of Tourism would be in support of these bills. Meacham told the committee that he would keep everyone updated on opportunities to support them.

Paint River

Kellyhouse reported. Paint River as a bear viewing area evolved due to the popularity of bear viewing at McNeil River. The proliferation of bears in the area depends on fish management by the Board of Fisheries. Paint River is not as controlled an environment as McNeil in terms of the relationship between the bears and humans. Therefore, in order to declare the Paint River area a sanctuary all factors must be carefully considered.

June Board of Game Meeting

Kellyhouse outlined the history of the wolf crisis:

- Wolf control plan, developed through a two year planning process, was made public in November 1992.
- Plan would have protected 96% of wolf population by closing and intensely managing 3 areas.
- In December, Governor suspended aerial wolf hunting due to international protest.
- In late January 1993 the Board of Game repealed aerial wolf hunting.
- In February the Wolf Summit served to polarize those for and against the issue.

In June the Board of Game will meet to look at alternatives to solve the problem. Kellyhouse feels that the Division is stuck between their statutory duty to protect the low numbers of subsistence game through predator management and pressure from the public to leave the wolves alone. Kellyhouse stated that good game management is for visitors as well as hunters--visitors come to Alaska to watch wildlife and are disappointed when herds are sparse and visitors aren't able to see any wildlife.

Murray said that the 20,000 letters and phone calls received at all state agencies are being responded to in order to do a follow-up survey and he commented that the reality of tourism boycott threat is nominal, but where the visitor industry really gets hurt is in the cancellations of the conventions. Johannsen feels that the publicity over the wolf issue will increase tourism this summer, citing the Valdez Oil Spill and the 14% increase in visitors the year after the incident occurred.

Interagency Map

Wendy Wolf presented a mock-up of the map which has been routed through all involved agencies. The information has been incorporated and will be routed again for final corrections. The map is scheduled for a May printing and will be distributed to all state APLICS. Next year the Scenic Byways will be added with the hopes of accessing some ISTEPA money for the reprint.

McCabe thanked the Division of Tourism for the opportunity to have input on the map.

U.S. Fish and Wildlife Service

Bruce Batten reported on projects his agency is involved in which utilizes a federal challenge grant coupled with funds from local contributors.

Project examples include:

- Alaska Peninsula area: partner is Bristol Bay Borough. King Salmon viewing area for fox, raptors, caribou
- McGrath area: partner with local chapter of Girl Scouts. Botanical garden to study wetlands ecology and birdwatching.
- Yukon Flats: partner Stevens Village Council. Viewing platform off the road system. Only visitor/viewing opportunity in that refuge for waterfowl and raptors.
- Bettles: partner US Bureau of Land Management and Park Service. Information kiosk for that area.
- Fairbanks Airport: partner Fairbanks Airport. Display explaining the watchable wildlife opportunities in ANWR.
- Marine Highway system from Seward to Dutch Harbor. 2 naturalists on board ferries during the summer months.
- Kachemak Bay Shore Bird Festival in May 7-9 in Homer.
- Kenai Refuge. partner Student Conservation Association. Help as guides and manage visitor center, and upgrade trail systems.

Barton mentioned that the Cordova Bird Festival should dovetail with the Kachemak Bay Festival. Many of the committee members mentioned that they had never heard of this challenge grant program before. Wolf asked for this kind of information to be included in our newsletter and also information to be sent to our Anchorage Public Relations firm, Bernholz & Graham in order to take advantage of our network. Meacham said that the festivals could do a lot to develop the birdwatching circuit in Alaska.

Action: Nena Berry. Have the TCC put on the ATMC mailing list; Send the TCC the address for Bernholz & Graham; send fax to TCC requesting information for inclusion in the next Tourism newsletter.

Kodiak Bear Viewing (O'Malley Lake Viewing Area)

Bruce Batten showed a video of the area set-up and bears feeding in the lake. The attraction is geared toward eco-tourists and will be commercially operated and government managed hopefully by next summer. The uncovered platform is 10' x 16' and can accommodate 8 - 10 people. A guide is always present and the viewers remain in one area. This type of consistency is "training" for the bears—they will be able to think of humans as neutral and unobtrusive. The lake is closed to fishing from July 6 - September 23rd and there is no camping allowed in the area.

ISTEA/STEP Program

Sandi Anderson showed the S.T.E.P. program video produced with I.S.T.E.A. funding and outlined the program for the committee. She also brought the 10 display boards describing scenic byways in relation to various state departments. The video is available to any agency wishing to inform others about the program. Sandi traveled to 21 communities in 15 days to introduce STEP and was excited about the grassroots support and input from both the pro-development and environmental factions.

The official Scenic Byways Program Policy has been signed by Commissioner Turpin and over the next several months criteria for byway designation and approaches for policy implementation will be developed. A multi-agency advisory group responsible for selecting sites will also be formed and an inter-agency interpretive plan will be formulated so that efforts are not duplicated among agencies. Signage is being now being developed using the generic STEP program logo in combination with customized logos for the marine highway, watchable wildlife, etc.

McCabe asked if there will be a mechanism put into place for non-profits to receive grants for STEP projects. Anderson wants to be able to do this in order to expedite some projects without the confines of the state procurement regulations and asked committee members for assistance in locating a model for this kind of procedure.

Anderson passed out a brochure, and flow chart that will help explain how the complex program works. She ended her presentation with an entertaining and clever 'rap' about ISTEA, which was a fun and appropriate segue into the lunch break!

Multi-Agency Comprehensive Tourism Plan

This item was not on the agenda, but Neil Johannsen voiced a concern that sparked an important discussion. He reported that over the last ten years the DNR operating budget has been cut 53% to the present figure of 4.3 million dollars. He feels that the department will have to become more entrepreneurial in order to maintain their parks. Again, visitor fees were brought up as a source of revenue. Johannsen went on to comment that the state is not putting enough dollars into the visitor industry.

Ayers concurred and said that we allow ourselves to be "nickel and dimed" because we don't have a comprehensive plan on tourism from a regional, multi-agency perspective. He informed the committee that on March 13 an economic development mini summit was taking place and that this should be the forum in which agencies express that tourism promotion cannot happen when government cuts funds which dismantle the mechanisms to promote tourism.

Action: TCC members. Ayers and Barton suggested formulating a comprehensive tourism plan, laid out by region, from among the agencies represented on the Tourism Coordinating Committee.

Karen Cowart, Executive Director of the Alaska Visitors Association (AVA), offered the support of AVA and invited agencies to present tourism issues at AVA's board meetings. In order to be placed on the agenda simply write a letter to Karen requesting this. Their next meeting is April 29th in Haines.

Destination Alaska

Karen Cowart and Bob Englebrecht, AVA Vice President of Government Relations reported.

The Destination: Alaska report is finally complete and is now being taken back to the communities to report the results. An AVA representative will be in Juneau March 22nd to present the study findings.

Some of the key points that were discovered in the process are:

- There is currently a slowing of growth in both jobs and population
- The number of visitor is increasing each year
- There are 19,000 jobs related directly to tourism
- 80% of Alaska residents surveyed felt that tourism is essential to the state's economy.

Both Cowart and Englebrecht emphasized that Destination: Alaska is not set in concrete and is a starting point for tourism development for the 21st century. They encourage continual scrutiny of the plan and anticipate more fine tuning.

Committee members agreed that Destination: Alaska is a controversial document and is initiating dialogue and the re-thinking of the concept of "tourism" not only among legislators but within the tourism industry as well.

Kennicott Project

Janet McCabe reported. The site is privately owned and encompasses a combination of rich values--historic, natural and as a community resource. It has been designated as a historic landmark, and was at one time the richest copper mine in the world. It is accessible only by tram--no cars--and is located in an unpopulated area. Only 20-30 people live in McCarthy. This historic site also offers the opportunity to hike along a

glacier's edge. State monies are being used to stabilize the buildings, which will assist in acquiring the land, and private funds have been solicited for the clean-up. The National Park Service is working with DOTPF to upgrade the road with ISTEA funds to improve access. The tram will also need to be upgraded in order to meet ADA requirements. McCabe reported that it will be at least a year and a half before the legislature will give approval to acquire the land.

Yakataga Land Plan

Tom Garrett, member of Lost Coast Coalition and manager for Alaska Discovery, reported. The Lost Coast Coalition (LCC) has proposed an alternative to the logging provision included in the Yakataga Land Plan. LCC has estimated a hut-to-hut trail and camping system from Glacier Bay to Cordova would generate at least 3% gross revenue for the state. The revenue, employment, and tourism opportunities would outweigh the short-term revenue generated from logging the area.

Johannsen said that the Yakataga area encompasses 300,000 acres of land and 80-90,000 acres of that is harvestable timber and that it is unrealistic of LCC to expect that no logging will take place. He thought that the 3% annual revenue was too conservative-- a mere drop in the bucket. DNR is also reviewing suggestions about creating the Bering Glacier State Park.

Garrett said that he hoped that the consciousness of land managers could be penetrated to consider tourism as an alternative to resource extraction. Johannsen disagreed and feels tourism and recreation is taken into consideration, but plans become bogged down in bureaucracy. He also expressed apprehension that LCC's proposal may be viewed by some at DNR as precluding timber harvest.

Elbert Reed of the Forest Service commented that LCC's figure shows that the hut-to-hut proposal can make money, but asked what does it take to sell the idea? He suggested an economic analysis, taking into consideration all revenue opportunities in the area in order to realize "the bigger tourism picture."

Alaska Gold Rush Centennial Task Force

Wendy Wolf reported. Wolf and Judy Bittner, Chief of History and Archaeology for DNR, are co-chairs of the task force. They have had great response to their first inquiry-- 50 people are interested in participating on various committees, and many are interested in being corresponding members.

The first meeting of the task force will be in April. The division is currently talking to the Seattle Convention and Visitors Bureau and the Washington Tourism Department about joint marketing of the gold rush celebrations. The Governor has allocated \$100,000 in the 1994 capital budget toward development of their events and projects. The funds will be given out in the form of grants to communities for development of their celebration events. The task force will also be coordinating with the Canadians through Tourism North's publication "North to Alaska," which will be themed toward the gold rush.

Cooperative Planning Denali Highway

Dave Vickery reported that there is no money for investment at this time until the agency gets new direction from Washington D.C. and until the land selection process is completed. McCabe stated that a multi-agency coordination is needed between BLM, DNR, Tourism and State Parks to develop these corridors.

Department of Community and Regional Affairs, Gerry McDonough talked about the various loan and grant programs administered by the department. The Rural Development Assistance Program is budgeted at \$5 million a year and is a competitive for communities with 900 residents or less. The funds may go toward everything from purchasing newspaper equipment to constructing a boat repair plant to the tourism marketing for an entire community.

The Federal Community Development Block Grant is funded at a level of 2.3 million. This program is for larger communities (except for Anchorage and Metlakatla who receive funding directly from the feds). The project must achieve community consensus and can also be tourism or non-tourism related.

Wolf asked if it was possible for a development specialist from the Division of Tourism to give input to the grants committee for those projects related to tourism.

McDonough also introduced a new program, co-sponsored by AIDEA, called the Rural Development Initiative Fund (RDIF). RDIF loans are geared toward creating employment opportunities in rural Alaska by providing small, basic industries with business capital.

The department also offers technical assistance in preparing applications to the three programs. For more information about these programs contact Elstun Lauesen at 269-4529.

Hospitality Training

Wendy Wolf reported that the Super Host program will be rewritten and "Alaskanized" by a steering committee in mid-March. Then in April trainers will be trained and a pilot program will be tested in the communities. The steering committee will meet in the fall to assess the pilot program, fine tune it and design a full scale delivery system.

New Business

Dave Vickery reported on a few of the projects the USBLM is working on. One unique program is an environmental education center at Campbell Crack in Anchorage. BLM and the Anchorage school district have partnered to develop an environmental educational curriculum for all grade levels.

Elbert Reed reported that the construction of Ketchikan APLIC is on schedule. The complex interior exhibit designs look good and are ready to finalize. The Southeast Conference is fundraising for the funds to complete the project. Grand opening is targeted for September 1994.

Mike Barton mentioned that the Forest Service is in the initial stages of planning for the overhaul of the Mendenhall Visitors Center. The long-range target for that project's completion is 1996.

Judy Doyon from U of A Ketchikan's tourism program reported that the Visitor Industry Program has been launched at the Juneau campus and is healthy and growing. There are three courses offered now with 30 students in the program and five to six classes will be offered by fall '93.

Katelyn Ohmer also mentioned the RDIF program that AIDEA is co-sponsoring with DCRA. She also said that of the 175 loan guarantees AIDEA approved last year, 22% of them were tourism related projects.

Janet Swanson said that the Alaska Railroad is considering building a terminal at Girdwood and opening year-round service from Girdwood to Anchorage because of the many employees that would be commuting when the Alyeska Prince resort opens and also to transport students in Girdwood to and from school.

Also, the Alaska Railroad, Prince William Sound Tourism Coalition and the Alaska Marine Highway System are talking about building a visitor center at the Portage train station or to use the old ferry building as the center. The three agencies would co-manage the facility.

TCC minutes 3/4/93
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Janet McCabe passed out copies of the Jan/Feb '93 issue of the Alaska Visitors Association newsletter that focuses on what activities the Parks Service is doing during the winter months.

The committee agreed to hold its next meeting in August in Anchorage.

Meeting adjourned 4:30 pm

Minutes submitted by Nena Berry.

GOVERNOR'S TOURISM COORDINATING COMMITTEE MEETING
August 10, 1992 Anchorage
Follow-Up Report

Present: Sandi Anderson, Barbara Andrews, Michael Barton, Bruce Batten, Edgar Blatchford, Kimberly Bown, Katleyn Carrigan, Wanda Chin, Gen Dickey, Judith Doyon, Jane Gray, Larry Houle, Neil Johannsen, Janet McCabe, Rob McWhorter, Chuck Meacham, Nena Berry Miller, John Morehead, Conn Murray, Tony Nakazawa, Mary Pignalberi, George Reifenstein, John Schoen, Sheri Schlotfeldt, Ed Spang, Nancy Tankersley, David Teal, Wendy Wolf

Special Presentors: Tom Dow & John Kelsh for Destination Alaska; Gretchen Holbert, Connie Reid for Taejon Expo '93

Alaska State Council on the Arts (ASCA)

Jane Gray and Wanda Chin, new members to the TCC, introduced the functions and programs of ASCA through a brief narrative and slide presentation. One of ASCA's goals is for the arts to become a major contributor to Alaska's economy. They emphasized that "the arts and tourism are a profitable partnership." By enticing independent, returning travelers and families to spend more time in communities steeped in arts and cultural activities, revenues would increase. Chin and Gray both expressed their excitement at the opportunity to participate on the TCC.

Watchable Wildlife

Report by Chuck Meacham, Nancy Tankersley, John Schoen reported.

Attentions are currently placed on developing a statewide wildlife viewing brochure. Also, the Memorandum of Understanding for Watchable Wildlife and Tourism is now finalized and undergoing signatures from the partnering state and federal agencies.

Fish and Game has a contract with University of Alaska Fairbanks for roadside wildlife viewing inventory in order to find good wildlife viewing sites. The inventory and input from other organizations will be used in a general wildlife viewing brochure.

Nancy Tankersley will be program manager for the brochure project. It will be the initial project of the interagency effort—an outgrowth of the M.O.U.—funded by Fish & Game, Alaska Natural History Association, Dept. of Fish Wildlife. The Division of Tourism will be providing in-kind services in design. Bureau of Land Management (BLM) has also verbally committed some money toward the project. Another \$ 5,000-\$10,000 will be solicited from other interested agencies. The target date is 100,000 copies by next spring.

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The brochure will be an overview of statewide highlights—a selection of about 50 viewing sights that offer a variety of experiences to visitors and guidelines for responsible, safe viewing. This will be the first in a series of more detailed brochures with regional and local information.

Barbara Andrews asked: Will this one brochure replace the many existing brochures from all the agencies? Will the agencies be saving money?

Wendy Wolf explained that this brochure will be a general piece that will replace the multiple brochures that Tourism and the (Alaska Public Land Information Centers (APLIC) send out now. The Division of Tourism is responsible for supplying broad, statewide material that lure people to Alaska. Once visitors are here, then the brochures from the various agencies are important in supplying visitors with specific information about a certain region. The general brochure will save all agencies money in postage as well as in printing since stocks of specific brochures will last longer if they are not given out as general information.

Visitors are showing tremendous interest in watching wildlife therefore the focus of the Department of Fish and Game (DF&G) is shifting. Alaska is going through a difficult transition between an extractive hunting & fishing emphasis toward a watchable wildlife focus. Strong feelings on the part of the hunting and fishing public as well as non-consumptive users place the department in a difficult position. Therefore the department is going through very deliberate process to try to bring all parties together and move forward. Although the Fish & Game is not fully ready to sign on to this process, because of the involvement of the Defenders of Wildlife in the Falcon Press Watchable Wildlife Guide, the other agencies involved in updating the guide will continue to move forward to publication, with or without the partnership of the Fish & Game.

ACTION: Chuck Meacham will keep us informed about DF&G's participation in the Falcon Press series. Many agencies are attending the National Watchable Wildlife Conference. Wendy will report back on how to join the Falcon Press series.

Interagency Map

As with watchable wildlife brochure issue, Tourism now has to send several publications for those visitors wanting to know about parklands and camp sites. This comprehensive, interagency map would help people plan their trip by being better able to see what facilities are available on one map.

The Division of Tourism's official state map will be used as a base for the new map. Each agency's jurisdiction will be identified in a different color. All amenities, such as locations and numbers of campgrounds, boat launches, handicapped facilities, etc. as well as agency logos, management descriptions and contact numbers will be listed on the back of the map.

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The total cost of producing the map, including staff time, will be approximately \$50,000. \$10,000 has been received from the Forest Service. The Divisions of State Parks and Tourism are contributing in-kind services. Tourism is ready to go forward with the project, but the production timeline is dependent on receipt of additional funding. Tourism is now requesting funding support from the other public land agencies.

For \$25,000 in printing costs, 125,000 copies can be produced--enough for each agency and APLICs to have a substantial supply for a year. Subsequent printing for future years will be discussed at future meetings.

ACTION: Janet McCabe will provide a format for a cooperative agreement that outlines the details of the proposal and Wendy will fax it to the appropriate agencies.

Wendy presented Tourism's new rack brochure, 24-page brochure and shell to the committee.

Larry Houle observed that all materials, especially those brochures geared at foreign markets, should include fax numbers.

Scenic Byways

Sandi Anderson reported. The Scenic Byways program is utilizing funding from the Intermodal Surface Transportation Efficiency Act (ISTEA). The program has been mandated by Governor Hickel as a priority project. The Department of Transportation and Public Facilities (DOTPF) will be the lead agency, but scenic byways is way beyond the management responsibilities of DOTPF and are therefore requesting participation from other agencies. Since a scenic byways program has never been established, there are few limitations on how it has to be set up and structured.

A multi-agency task force will designate scenic byways under criteria that will be developed by a subcommittee. Byways such as local roads, highways, trails, marine parks, railroads, navigable rivers, and many others will be considered. Creating signage for designated byways is an integral part of the program.

The task force will ask for input and suggestions from communities in terms of program structure and suggestions of scenic byway designations. This will allow communities to have a voice and, ultimately, to "buy into" the program, which will help diffuse any resistance that might arise. Project selection will go through the normal DOTPF process.

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Wendy Wolf asked Ms. Anderson to find out if ISTEA funds can be used for the interagency map if designated scenic byways are part of the map.

Neil Johannsen expressed concern about the deterioration of the road system due to falling budgets. Since the "rubber tire visitors" make up a large portion of Alaska's tourists, he asked for road repair to be a top priority.

This resulted in some discussion, leading to confusion, about what items, such as road repair, fall under ISTEA funding vs State funding.

ACTION: Sandi will prepare a list of ISTEA program descriptions relating to scenic byways and transportation enhancements and how to get a project into the capital improvement program. The Division of Tourism will distribute this list to TCC members.

Destination Alaska

Tom Dow, NANA Corporation, and John Kelsh of INTRA reported.

Destination Alaska is a massive study sponsored and funded by the Alaska Visitor Association (AVA) that looks ahead to the next 25 years in the visitor industry. INTRA, the consulting group contracted by AVA, designed a state wide public opinion survey that comprehensively reviewed Alaska's public lands, facilities, and resources. Twenty-seven communities were visited and asked for input and issues concerning tourism. At this point, the study is two-thirds finished and a draft has been completed. The Board of Advisors will meet in September to review the survey and the final draft will be available to the public by the first part of October. Interested TCC members may obtain a copy of Destination Alaska by calling the AVA at 276-6663.

I.S.T.E.A.

Ed Spang reported. There is great interest in ISTEA as recognition has been expressed from all levels of government and the private sector. Senator Stevens is currently assisting BLM in receiving ISTEA funds. BLM has not yet received ISTEA monies but, based on impending funding, the agency has been working with DOTPF to determine priorities for the funds. Priority will be given to projects that will give visitors increased access to Alaska. Denali Highway, Dalton Highway, Alaska Highway have been designated as priority projects. BLM received an appropriation to do work on the Alaska Highway in conjunction with the highway celebration. In the Denali corridor turn outs, waysides, small visitor centers, are being built. Part of the Dalton Highway

is also being considered for public access. The issue is currently before the state supreme court and a ruling will be handed down in October.

Rural Tourism Loan Program

Tony Nakazawa reported. Nakazawa gave a brief explanation on the background and evolution of the current program through the creation of SB 238. The program encourages new business development for individuals, for-profit and non-profit organizations with a profit making arm. Loans are available for up to \$200,000. 23% of the total funds are available for tourism-related businesses; 16% for manufacturing; 48% for fisheries; 9% for services; 45% for arts and crafts. For further information about this program contact Elstun Lauesen, Statewide Economic Development Specialist at 269-4500. Request for Proposals for the Community Block Grant and the Rural Development Assistance Grant will be available in October.

Katelyn Carrigan outlined AIDEA's loan programs for existing businesses. AIDEA does not do direct loaning—it is a secondary financier. 1) Guarantee Program: AIDEA will guarantee bank originated loans up to \$1,000,000. 2) Tax Exempt and Taxable Umbrella Bond Program: AIDEA will buy into bank originated loans up to \$10,000,000, but the loan can be up to any size. 3) Development Finance Program: AIDEA owns and operates facilities and leases them back to private sector users. A new change through SB 226 gives AIDEA authority to own and operate infrastructure for tourism destination facilities—including everything from utilities to ski lifts. A variety of tourism facilities have been assisted with AIDEA loans through this program. For further information contact the new Executive Director, Riley Snell, or Acting Deputy Director of Credit, John Delano, at 561-8050.

Tourism North

Wendy Wolf reported. Tourism North, a group of government representatives from the Yukon, B.C. and Alaska jurisdictions, was formed three years ago to jointly market highway travel. Funded by the governments of the three jurisdictions, joining forces allowed them to leverage more dollars so that each could benefit. For the past three years the "rubber tire," independent traveler has been targeted with information about the highways's 50th anniversary, resulting in a 30% increase in highway travel as of June '92. In the future, Tourism North will become much broader in scope.

The program has included: North! To Alaska, a travel planner for those driving the highway; a counseling/communication network providing training and information to visitor center staff in the three areas; a comprehensive reference manual placed in all visitor centers that familiarizes staff with three jurisdictions; road shows—trained staff going into the RV parks to talk about highway travel; and a video about trip planning and how to drive the road.

During the past year, British Columbia heralded in a new government and their funding for Tourism North was reduced. Since Tourism North has been so successful, interest by government officials and industry businesses is high. Therefore, in order to save the program, the jurisdictions solicited funding support from regional marketing entities and CVBs. Enough funding was garnered that a modified version of the program could continue. The new North! To Alaska will have eight pages of advertising. Travel counselor workshops will continue and the reference manual will be updated. A limited road show to RV parks will still be maintained.

Conn Murray reported that legislative intent has been introduced for Tourism North to be the primary vehicle for promotion of goldrush centennial events--the Klondike Discovery of 1896 will kick off about ten years of gold rush celebrations around the state. Tourism North will be strictly promotional--communities will be responsible for organizing the events. Tourism North is a great opportunity to fulfill one of the Division's mandates, which is to spread the benefits of tourism around the state--especially to the more rural communities who do not get much tourism activity.

Most tour operators have some gold rush oriented activities in their packages, but will be seeing much more in years to come. Tourism is now negotiating with state of Washington to join forces on the Klondike events in order to apply for a USTTA Overseas Marketing Grant. Programs like ISTEPA and Scenic Byways are important to get into place so that the state has the facilities to handle the large number of people that will be traveling to Alaska. This has great off-season market potential due to the fact that the majority of gold rushes took place in the off season. Communities will need to also take steps to prepare for the visitors.

Hospitality Training

Wendy Wolf and Judith Doyon reported. Tourism British Columbia developed the Super Host program to train the service personnel for Expo '86 in Vancouver. The program has been so successful that thousands have taken the training since then. Wolf has received many calls from around the state asking for customer service training. The Division of Tourism and the Alaska Visitors Association will purchase Super Host and modify it for use in Alaska. BC provides the disks, reference manuals and initial training of master trainers. Training will eventually be offered to tourism and non-tourism businesses. The Division would like to see the program become part of the Dept. of Labor's training program--the idea being that when people complete the training they receive a certificate and that businesses give preference in hiring employees who have the certificate. Taking it one step further--visitors will look for the Alaska Host logo in windows of businesses in the communities. Alaska Host will be a source of pride and credibility within the tourism industry.

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Judith Doyon founded Visitor Industry Program at UAS, Ketchikan six years ago. Of the three visitor programs in the state, Ketchikan's has the largest enrollment. The program addresses the needs of tourism training in Southeast. Doyon has been trained in Super Host and has tailored it for use in her program along with the video tape from the Anchorage Convention and Visitors Bureau. The Super Host information is basic and simple, yet broad in scope and can be tailored to any type of organization. She has presented the training to the Marine Highway System and other organizations around the state.

Doyon briefly outlined the program content. She said that the Super Host program is fine, but advised the Division to really negotiate the purchase amount because she does not think that the program is extraordinary or is anything that could not be created from existing material. She is very interested in perpetuating visitor training and offers her assistance to the Division.

Wolf stated that the process of adapting Super Host to Alaska will include forming a modification committee, on which she hopes Doyon will participate along with other tourism industry representatives. Super Host materials are copyrighted and modifications are allowed only if BC has sold Alaska the rights.

ALASKA LAND PUBLIC INFORMATION CENTERS (APLIC)

Kimberly Bown reported. The Alaska Public Land Information Centers in Alaska were created by the Alaska National Interest Lands Conservation Act (ANILCA) in 1980. AFLIC's are an economical communication network around the state. The centers provide visitors with information about Alaska's public lands, resources, and recreational opportunities. The Interagency Committee, a body of eight state and federal agencies, set policies for the three centers. Centers are open in Fairbanks, Tok, Anchorage, and a fourth one is slated to open in Ketchikan in 1994. The National Park Service manages the daily operations of the Anchorage and Fairbanks centers while Tourism manages the Tok center. The Anchorage and Fairbanks centers handle the campsite and shuttle bus reservations for Denali, and in Anchorage they also handle Chugach Forest cabin reservations.

The new Ketchikan center will be thought of as the "gateway" to Alaska—introducing visitors to all of Alaska and then focusing specifically on Southeast. Elaborate exhibits will be part of the center and the community is planning development in that area to complement the center.

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Wolf reported. The Tok center was adapted as an APLIC after ANICLA. It is unique in that it handles not only public agency information but information about private sector opportunities. The center is small, but it sees a huge number of visitors. It is the first public information center that those driving up the highway encounter, consequently the staff is very knowledgeable. There is a spectacular new exhibit on the 1990 fire in Tok and the subsequent regeneration of fireweed—jointly produced with BLM and the Division of Forestry.

Taejon Expo '93

Conn Murray, Gretchen Holbert, and Connie Reid (Bradley Communications) reported. Alaska is a participant in the Taejon, Korea Exposition August 7 - November 7, 1993. Despite some minor political complications initially, the preliminary designs of the Alaska display have been completed. Alaska's exhibit area will be 17,000 square feet. \$200,000 of the funding will be supplied from government agencies matched by \$200,000 from the private sector. It is very likely that the United States Information Agency will designate Alaska as the leader of the U.S. Pavilion.

Our participation in Taejon is aimed at resource development, especially in areas in which we are already extensively involved with Korea, such as coal, as well as developing new business opportunities with Korea, Alaska's number two partner in trade, and Southeast Asia.

The exhibit will show the natural beauty and resources of Alaska through high-tech fiber optics, lasers, and audio-visual media. Built into the display will be a V.I.P. lounge where government or private sector Alaskans can hold meetings with Asian business prospects.

Governor Hickel and members of his key staff have seen the designs as well as DCED Commissioner Fuhs. The TCC was the first public group to see the designs.

Conn suggested that some of the federal agencies might want to take part in Taejon. For example, the Park Service could develop an educational program for climbers discussing the hazards and realities of mountain climbing in the North.

Holbert and Reid proceeded to show the committee the color renderings for Alaska's Taejon Expo exhibit and described the various components.

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Wrap-Up

The next Tourism Coordinating Committee meeting will be held in Juneau. The committee tentatively chose Thursday, February 18, 1993 as the next meeting date. Barbara Andrews mentioned that if Senator Stevens is in Juneau addressing the legislature that week he may be able to attend the meeting.

There being no further business, the meeting adjourned at 4:15pm.



TELECOPY COVER SHEET

Ketchikan Legislative Information Office
Office - (907) 225-9675 Fax - (907) 225-8346

TO: House State Affairs

ATTN: Rep. VEZEY FAX: 465-2864 PHONE: _____

FROM: Rick PHONE: _____

INSTRUCTIONS: Written testimony for HB 115, heard via t/c on
4/17/93

SENT: Date 4/17/93 Time 10:24 am

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: 1 (NOT counting cover sheet)

TRANSMITTED BY: Rick



Alaska State Legislature

Please enter into the record my testimony to the House State Affairs
committee name

committee on HB 115, dated 4-17-93
bill/subject

The Ketchikan sports and wildlife club wishes to express our opposition to HB 115. our 700 plus membership feels that funding through the state of the Alaska tourism marketing committee should be reduced by 50%. Based on claims of this industrie being a billion dollar plus bussiness we feel that the bussiness owners can afford to pay for there own promotions. With the current trend of tourists increasing we, as resident Alaskans feel we a being shoved aside as far a our states resources are involved.

Signed: [Signature]

Testifier

Ketchikan Sports and Wildlife Club

Representing (Optional)

Bx 5122 KTN AK 99901

Address

225-0687

Phone No.



Alaska State Legislature

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committee name

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Signed: [Signature]

Testifier

Ketchikan Sports and Wildlife Club

Representing (Optional)

Bx 5122 KTN AK 99901

Address

225-0687

Phone No.

HB

119

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

Revision Date: _____
Title: "An Act authorizing a sentencing court to impose a sentence of a day line on a defendant convicted of a misdemeanor . . ."
Sponsor: Representatives Ulmer, Davis, Davies, Brown
Requestor: (H) STA

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency
COMPONENT SERIAL NO. 1631

EXPENDITURES/REVENUES:

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year (FY93) impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: John Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: _____

Approved by Commissioner: Nancy Bear Userra
Agency: Administration

Date: 3/8/93

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 119

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing a sentencing court to impose a BRU: Office of Public Advocacy
sentence of a day fine on a defendant convicted of a Component: Office of Public Advocacy
misdemeanor"
 Sponsor: Representatives Ulmer, Davis, Davies, Brown
 Requestor: (H) Sta COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE:	0	0	0	0	0	0
----------------------	---	---	---	---	---	---

FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

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

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Nancy Bear Usery Date: 3/8/93
 Agency: Department of Administration

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DAY FINES

Alaska Court System
Office of the Administrative Director

MEMORANDUM

Alaska Court System

TO: Arthur H. Snowden, II
Administrative Director

DATE: February 2, 1993

FROM: Cathryn Jansson 
Legal Administrative Asst.

SUBJ: Day Fines

Alaska, like many states, is struggling with prison overcrowding. During the last five years, the daily number of prisoners has fluctuated just above and below prison capacity.¹ Other jurisdictions, in an effort to relieve overcrowding, are considering alternative punishments for non-violent crimes; one of these alternatives is day fines. This memorandum discusses the history and use of day fines as an intermediate criminal sanction² and the feasibility of implementation in Alaska.

I. Definition.

Day fines (also called structured fines, means-based fines or unit fines) are an intermediate sanction which allows the court to fine

¹ Alaska Sentencing Commission, 1991 Annual Report to the Governor and the Alaska Legislature 1 (1991).

² An intermediate sanction is a sanction which is more stringent than traditional probation but less stringent (and usually less expensive) than imprisonment. Intermediate sanctions include house arrest, electronic monitoring, "shock" incarceration, community residential centers and work release centers.

an offender based on the gravity of the offense and the offender's ability to pay. Typically, under a day fine system each offense is assigned a number of "fine units" based on the severity of the offense compared to other crimes. When a defendant is convicted, the judge determines the number of fine units which have been assigned to the offense and the defendant's available daily income. The judge then multiplies these two figures to determine the fine amount. (The term "day fine" is used because the fine is linked to the defendant's daily income.)

II. Fines as an Alternative to Short-Term Incarceration

Proponents of fines make the following arguments in support of fines versus other criminal sanctions:

(1) Unlike incarceration and probation, fines generate revenues to reimburse costs of the justice system. Well over a billion dollars in fines are collected in criminal courts each year.

(2) Fines are inexpensive to administer compared to other to intermediate sanctions such as supervised probation and halfway houses.

(3) Fines are already used in some form by virtually all American courts. Therefore, the mechanisms to impose and collect fines are already in place.³

Moreover, studies show that fines -- if set high enough -- have a punitive impact on offenders and value as a deterrent.⁴

³ Sally Hillsman, Barry Mahoney, George F. Cole, & Bernard Auchter, Fines as Criminal Sanctions, Nat'l Inst. of Just. Research in Brief 2 (Sept. 1987) [hereinafter Hillsman, Mahoney, Cole, & Auchter].

⁴ Sally Hillsman, Fines and Day Fines, in 12 Crime and Justice: A Review of Research, 49, 50 (Michael Tonry and Norval Morris eds., 1990) [hereinafter Hillsman].

Fines are already used as a sanction for a broad range of offenses; however, they are usually used in conjunction with probation or short-term incarceration and are rarely used as an alternative to these penalties.⁵

Researchers offer several explanations for the low use of fines as a sole penalty. According to a 1984-85 survey of judges, most judges set fines well below the statutory limit. Researchers believe that this is because most judges use the "tariff" or "fixed fine" system to determine fine amounts. Under this system, approximately the same fine amount is imposed on all defendants who are convicted of a particular offense. The "tariff" or "going rate" for an offense is generally based on what the poorest offenders can afford to pay. Thus, fine amounts "tend to cluster near the bottom of the statutorily permissible range. This limits the range of offenses for which judges consider the fine an appropriate sole penalty."⁶

In the 1984-85 survey, judges also expressed concern about the fairness of fines. Under a tariff system, defendants with higher incomes have an obvious advantage -- a \$500 fine has a greater punitive impact on a defendant who earns \$1500 per month than on a defendant who earns \$4000 per month. Sixty-one percent of the judges who responded to the survey agreed with the statement that

⁵ Hillsman, Mahoney, Cole, & Auchter, supra note 3, at 2.

⁶ Hillsman, supra note 4, at 63.

fines allow affluent offenders to "buy" their way out.⁷ Sixty percent also agreed that fines are not an effective sanction for indigent defendants because there is a significant risk that the fine will be uncollectible.⁸

Proponents of fines believe that day fines address many of the concerns that are raised about traditional fines. Because day fines are set in proportion to the seriousness of the offense and adjusted to a defendant's income, they result in an equivalent level of hardship for defendants convicted of the same offense.⁹ In addition, under a day fines system, fines can be set high enough to effectively penalize affluent defendants and low enough to reflect what poorer defendants can realistically afford to pay.¹⁰

III. Use of Day Fines in Other Jurisdictions

A. Europe

The day fine system is an innovation of Western Europe. Day fines were implemented in Europe to reduce prison overcrowding by providing an alternative to short-term imprisonment.¹¹ The first day fine system was implemented in Finland in 1921, followed by

⁷ Hillsman, Mahoney, Cole, & Auchter, supra note 3, at 4.

⁸ Id.

⁹ Hillsman, supra note 4, at 51.

¹⁰ Id.

¹¹ Id. at 75.

Sweden in 1931, Denmark in 1939, West Germany and Austria in 1975.¹² In both West Germany and Sweden, day fines have been successful in reducing the number of short-term prison sentences. In 1968, West Germany imposed 113,273 prison sentences for six months or less; following the implementation of day fines in 1975, the number of prison sentences for six months or less dropped to 23,664. By 1979, the number was further reduced to 10,609.¹³

In both West Germany and Sweden, a fine is used as the sole penalty for most criminal offenses, including many serious offenses. In 1984, 75 percent of all non-traffic criminal offenses in West Germany were disposed of by a fine as the sole penalty; fines were used in one third of all sexual offenses and in 73 percent of all crimes of violence against the person.¹⁴ In 1988, Sweden imposed day fines for 83 percent of all criminal offenses, including 40 percent of all offenses against persons.¹⁵

B. United States

Day fines are currently being used in eight locations in the United States: Phoenix, Arizona; Bridgeport, Connecticut; Des Moines,

¹² Sally Hillsman & Judith Greene, Tailoring Criminal Fines to the Financial Means of the Offender, 72 *Judicature* 38, 44 (1988).

¹³ Gary M. Friedman, Comment, The West German Day-Fine System: A Possibility for the United States?, 50 *U.Chi.L.Rev.* 281, 291 (1983).

¹⁴ Hillsman, supra note 4, at 61.

¹⁵ Id.

Iowa; and four county courts in Oregon.¹⁶ Chicago, Houston and Philadelphia are in the active planning stage. Staten Island, New York imposed day fines for twenty-three months during 1988-90, but discontinued the program because of budget cuts. Milwaukee, Wisconsin used a day fine system for 12 weeks during 1989, but discontinued the project because it resulted in lower fine revenues for the court.

The programs in Staten Island, Phoenix, and Milwaukee are discussed in more detail below. The programs in Connecticut, Iowa, and Oregon have only recently gotten underway.

1. Staten Island

Richmond County Criminal Court, a trial court of limited jurisdiction, was the first court in the United States to implement a day fines program.¹⁷ Day fines were used for misdemeanors and violations for a period of 23 months during 1988 to 1990.¹⁸ Between September 1988 and August 1990, day fines were imposed in

¹⁶ Each of these jurisdictions is part of a pilot project funded by a Bureau of Justice Assistance federal grant.

¹⁷ Douglas C. McDonald, Judith Greene & Charles Worzella, Day Fines in American Courts: The Staten Island and Milwaukee Experiments, Issues and Practices in Criminal Justice, Nat'l Inst. Just. 13 (Apr. 1992) [hereinafter McDonald, Greene, & Worzella].

¹⁸ A list of violations and misdemeanors to which the program applied appears in Appendix A.

two-thirds of all disposed cases.¹⁹ The average day fine amount was \$440.83, twice the average pre-pilot fine amount, which was \$205.66.²⁰

As part of its day fines project, Staten Island also experimented with a new collections strategy. Responsibility for collection of day fines was centralized in a "day fines officer." This person was given authority to work out an individualized payment plan with each defendant. Defendants were generally allowed only a short period to pay the fine, i.e., usually no more than three months, and payment dates were scheduled to correspond to the defendant's income receipt patterns. A computer program originally designed for small business applications was adapted inexpensively to track payment. A defendant's non-payment prompted the computer to generate an immediate reminder and warning letter. If non-payment was due to a change in the defendant's financial circumstances, the day fines officer could modify the defendant's payment plan within certain parameters.²¹

To measure the success rate of the new collection practices, the court divided day fine cases into two groups. One group, labeled

¹⁹ Laura Winterfield & Sally Hillsman, An Experiment to Introduce Means-Based Fining into an American Criminal Court: The Staten Island Day-Fines Project, Nat'l Inst. Just. 4 (Draft: Apr. 30, 1992) [hereinafter Winterfield & Hillsman].

²⁰ Id. at 5.

²¹ McDonald, Greene, & Worzella, supra note 17, at 34.

"experimental," was subject to the new collection strategy. The other group, labeled "control," was subject to the court's existing collection practices. Researchers found 85 percent of the day fine experimental group paid in full, compared to 71 percent of the control cases and 76 percent of the pre-pilot fine cases. Six percent of the day fine experimental group resulted in no payment at all, compared to 26 percent of day fine control group and 22 percent of pre-pilot cases.²²

Overall, the court found that "despite significantly higher average fine amounts and longer collection periods e.g. installment payments, day fines were collected in full at high rates - rates as high as the collection rates for the smaller fixed fines."²³ The total revenues generated by fines increased by 14 percent during the day fines project. Researchers estimate that total fine revenues from day fines would have been approximately 50 percent higher if day fines had not been constrained by statutory fine caps.²⁴

The Staten Island program was discontinued because of budget cuts.²⁵

²² Winterfield & Hillsman, supra note 19, at 6.

²³ Id. at 7.

²⁴ Id. at 5.

²⁵ Per a 9/22/92 phone conversation with Arnold Berliner, Assistant District Attorney; Staten Island, New York.

2. Phoenix

In April 1991 the Superior Court of Maricopa County in Phoenix, Arizona initiated a day fine demonstration project, known as "F.A.R.E. Probation" (Financial Assessments Related to Employability). The program was the first in the United States to apply day fines to both misdemeanor and low level felony cases.²⁶

In a phone conversation with Marilyn Windust, Day Fine Project Manager, Adult Probation Department, she stated that overall the program has been very successful. The court evaluates defendants prior to sentencing and targets defendants who have low treatment and supervision needs, are employable or have a source of income, and do not owe restitution exceeding the day fine. Prior to implementation of the program, these defendants would probably have been placed on full supervision probation or sentenced to a short-term jail sentence.

Between April 1991 and July 1992, 247 defendants were sentenced to FARE probation. One hundred nine defendants successfully completed the program. Only two defendants have committed subsequent offenses. The lowest fine assessment under the program was \$60. The highest assessment was \$12,325. The court collected a total of \$120,889 and its collection rate was 98.2 percent. Forty-one

²⁶ A list of the misdemeanors and felonies to which the program applies appears in Appendix B. Felonies include low level assault, burglary, child abuse, attempted child molestation, robbery, theft, attempted kidnapping, fraudulent schemes, escape, arson, sexual abuse, and many drug offenses.

percent of victims received full restitution and restitution was paid at a faster rate. Of the total number of offenses in which day fines were imposed, 58 percent were theft related offenses, 28.3 percent were drug related offenses, 2 percent were white collar offenses, and 11.7 percent were miscellaneous offenses.²⁷

Even though initial funding for the program under a Bureau of Justice grant has ended, the court system has elected to continue the program and fund it through the Maricopa County budget.

3. Milwaukee

In 1989, the Milwaukee Municipal Court initiated a 12 week experiment to test the feasibility of substituting day fines for fixed fines for violations of municipal ordinances.²⁸ The experiment concentrated on first time offenders charged with offenses which are also crimes under state penal law. These offenses include: carrying a concealed weapon, disorderly conduct, theft from a retail store, vandalism, loitering, prowling, and low level assault and battery. Between October 1989 to January 1990, 192 violators received day fines.²⁹ The average day fine imposed was \$72 compared to an average of \$112 for fixed fine cases.³⁰

²⁷ The FARE probation program statistics were provided by Marilyn Windust, Day Fine Project Manager.

²⁸ A list of violations to which the program applied appears as Appendix C.

²⁹ McDonald, Greene, & Worzella, supra note 17, at 70.

³⁰ Id. at 72.

Collection rates basically stayed the same. The court found that the percentage of defendants failing to pay their fines differed little between day fines and conventional fines (59 percent versus 61 percent, respectively). However, defendants given day fines were more likely to pay in full (37 percent versus 25 percent). Differences in likelihood to pay were even more pronounced among the poorest violators. Of those persons having monthly incomes less than \$197, 33 percent of those given day fines paid in full, compared to 14 percent of those who received conventional fines.³¹ Overall, the court found that the system imposed lower fines which led to reduced revenues to the county treasury. Since the Milwaukee court could not afford to subsidize the program, the program was discontinued.³²

The Milwaukee experiment demonstrated that a day fines program can be operated in a fast-paced setting such as a municipal court. The collection rate data from Milwaukee and Staten Island indicates, however, that day fines are not inherently more collectible than traditional fines. In Milwaukee, the collection rates for day fines and traditional fines were approximately the same. In Staten Island, the collection rate for day fines in the control group (i.e, day fines which were not subject to the new collection

³¹ Id.

³² Per a 8/28/92 phone conversation with Judith Greene, Director of Court Programs, Vera Institute of Justice; New York, New York.

practices) was approximately the same as the collection rate for traditional fines.

IV. Day Fines as an Alternative Sanction in Alaska

It is difficult to predict whether a day fines program would make a positive impact on Alaska's judicial system and corrections program. There is a shortage of data available on current sentencing patterns.

In 1992 the Sentencing Commission conducted a state-wide survey of felony sentences imposed between 1986 and 1991. The commission found that fines were imposed in only 4.4% percent of the cases. Fines ranged from \$250 to \$15,000 and were always combined with sentences of incarceration ranging from 18 months to 8 years.³³ The sampling indicates fines are not used as an alternative to incarceration in felony cases, but rather as an additional sanction.

No data is readily available on the number of misdemeanor cases in which fines are imposed as a sole penalty or in conjunction with other sanctions. However, according to information collected by

³³ The offenses included bootlegging, driving under the influence, assault, second degree rape, second degree sexual assault, and drug offenses. A copy of the Commission's data appears in Appendix D.

the Sentencing Commission, misdemeanants currently make up approximately ten percent of Alaska's prison population.³⁴

It should be noted that there is public support in Alaska for alternatives to incarceration. A recent public opinion report prepared by the Sentencing Commission found that the majority of those polled supported intermediate sanctions for non-violent felons and even for some violent felons. Overall, the surveyed group "believed that incarceration does not give the public its money's worth."³⁵ The group felt these offenders should be in programs which control criminal behavior, but which allow them to work, be self-supporting, and pay supervision costs and restitution.³⁶

V. Implementation Requirements for a Day Fines Program

The following section identifies the changes that would be required to implement a day fines program in Alaska. There are four subsections which discuss the following topics: (1) necessary statutory changes; (2) improvement of existing collection mechanisms; (3) adoption of benchmarks; and (4) evaluation of a defendant's financial resources.

³⁴ Alaska Sentencing Commission, 1991 Annual Report to the Governor and the Alaska Legislature app. 1-2 (1991).

³⁵ Alaska Sentencing Commission, Opinions on Sentencing in Alaska: Results of Five Focus Groups 10 (Aug. 20, 1992).

³⁶ Id.

A. Statutory Changes

At least one statutory change must be made in order to implement a day fines program and two additional changes may be desirable. These three statutory changes are discussed in more detail below.

1. Financial Resources of the Defendant

AS 12.55.035 governs the imposition of fines. Prior to 1992, this statute required the court to consider the financial resources of the defendant when setting a fine. The statute provided:

(a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this section or as otherwise authorized by law. In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden its payment will impose. No defendant may be imprisoned solely because of inability to pay a fine.

The court was also required to consider the financial resources of the defendant when determining restitution. See AS 12.55.045.³⁷

Both AS 12.55.035 and AS 12.55.045 were amended last session to eliminate the income evaluation requirement.³⁸ In adopting this

³⁷ Prior to being amended in 1992, AS 12.55.045 provided:

(a) . . . In determining the amount and method of payment of restitution, the court shall take into account the

. . .

(3) financial resources of the defendant and the nature of the burden its payment will impose on dependents of the defendant.

³⁸ The amendment to AS 12.55.035 is shown below:

(a) Upon conviction of an offense, a defendant may be sentenced to pay a fine as authorized in this

change, the legislature specifically intended to prohibit the court from considering the defendant's financial circumstances when setting the amount of a fine or restitution:

Section 1. PURPOSE. It is the purpose of this Act to ensure full payment of fines imposed in criminal cases and to make full restitution available to all persons who have been injured as a result of criminal behavior, to the greatest extent possible, by

(1) requiring courts to consider whether a defendant has the ability to pay fines and restitution at a hearing held after a defendant has failed to pay, rather than asking courts to predict at the time of sentencing whether a defendant will have the ability to pay a fine or restitution in the future;

Ch. 71 sec. 1 SLA 1992 (emphasis added).

Consideration of the defendant's financial resources is a critical sentencing component in a day fines system. When imposing a day fine, the judge multiplies the number of fine units which have been assigned to the offense and the defendant's available daily income to determine the fine amount. Under the current version of AS 12.55.035, a judge is precluded from considering the defendant's financial resources at the time the fine amount is set. Thus, in order to implement a day fines system, either the deleted language

section or as otherwise authorized by law. [IN DETERMINING THE AMOUNT AND METHOD OF PAYMENT OF A FINE, THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL RESOURCES OF THE DEFENDANT AND THE NATURE OF THE BURDEN ITS PAYMENT WILL IMPOSE. NO DEFENDANT MAY BE IMPRISONED SOLELY BECAUSE OF INABILITY TO PAY A FINE.]

of the statute must be reinstated or a new provision must be added to AS 12.55 which specifically authorizes the imposition of day fines. The latter option is probably preferable because it would allow the court to impose either day fines or traditional "tariff" or "going rate" fines. Thus, the court system could initially implement day fines on a trial basis.³⁹

2. Statutory caps on misdemeanors, violations, and infractions.

AS 12.55.035 also sets maximum fine amounts for violations, misdemeanors and felonies. These statutory caps are shown below:

(b) Upon conviction of an offenses, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of no more than

. . .

- (2) \$50,000 for class A, B, or C felony;
- (3) \$5,000 for a class A misdemeanor;
- (4) \$1,000 for a class B misdemeanor;
- (5) \$300 for a violation.

Because day fines are based on an offender's daily income, a fine for a defendant with a high income level may exceed the statutory cap. If a day fine is calculated above the cap amount, the

³⁹ In Maricopa County, for example, day fines were implemented in four of the county's eight superior courts so that the two fine systems could be compared and evaluated. In a phone conversation with Marilyn Windust, Day Fine Project Manager, she stated that several private defense attorneys have suggested that the use of two fine systems raises equal protection problems. However, to date, this issue has not been litigated.

defendant would only be liable for the statutory amount, which diminishes the punitive impact of the fine.

Other jurisdictions have not necessarily eliminated their statutory fine limits when they initiated their day fine programs. Phoenix, Staten Island and Oregon elected to impose day fines within the statutory fine limits, at least initially. Phoenix and Oregon plan to evaluate the desirability of amending or repealing the statutory caps once they have determined the extent to which the caps prevent judges from imposing full day fines.

In Alaska, the present caps will limit the use of day fines, particularly for more serious offenses. A policy decision must be made whether to propose to the legislature a lifting of the existing caps or to operate the day fines program under existing statutory fine limits.

3. Statutory Felony Sentencing Structure

Alaska operates under a statutory felony sentencing structure which dictates minimum, maximum and presumptive prison terms for felony convictions.⁴⁰ There are no mandatory minimum or presumptive sentencing rules for first time Class B⁴¹ or C⁴² felony convictions,

⁴⁰ See AS 12.55.125.

⁴¹ Class B felonies include robbery not using a deadly weapon, theft over \$25,000, selling cocaine or marijuana to minors, burglary in a dwelling, arson with no risk of injury, bribery or perjury, second-degree assault, sexual penetration with a person aged 13, 14 or 15, and sexual contact with anyone under 13, or a

unless the conduct was knowingly directed at a peace officer, firefighter or an emergency responder, e.g., emergency medical technician, paramedic, ambulance attendant.⁴³ However, for second and subsequent Class B felony convictions, there is a presumptive prison term of 4 and 6 six years, respectively and 2 and 3 years for Class C felonies. An offender will ordinarily receive these prison terms unless certain aggravating or mitigating factors are applicable.

Thus, under the current sentencing structure, judges can impose day fines for misdemeanors and first time low level felony convictions, but day fines cannot be used for repeat low level felonies. A policy decision must be made as to whether the state of Alaska wishes to include these repeat offenders in a day fines program and, if so, propose a statutory amendment to the legislature.

B. Improvement of existing collection mechanisms

Judges -- and the public -- are unlikely to consider day fines as an alternative to incarceration without assurance that such fines can be collected. According to researchers at the National Center for State Courts, "[p]art of the hesitancy that judges have in

daughter or son under 18.

⁴² Class C felonies include negligent homicide, burglary not in a dwelling, second-degree assault, theft over \$500, check forgery, possessing heroin or cocaine, and bootlegging.

⁴³ See AS 12.55.125(d)(3) and AS 12.55.125(e)(3).

using the fine as a sole or primary sanction apparently stems from a sense that collecting the payment is difficult."⁴⁴

In Alaska, fines, restitution and forfeited bonds under \$250 are collected by the court system while fines over \$250 are collected by the Department of Law.⁴⁵ Court system collection practices are limited to a single "notice of delinquency" letter and if no payment is received, issuance of a bench warrant. The Department of Law issues one demand letter and if no payment is received, an execution is made on the defendant's permanent fund dividend.⁴⁶

No information is readily available on the total number of cases in which a fine is imposed.⁴⁷ Therefore, the overall payment rate for fines cannot be calculated. Since April 1989, the court system has forwarded a total of 5,720 fine cases to the Department of Law

⁴⁴ Barry Mahoney & Marlene Thornton, Means-Based Fining: Views of American Trial Court Judges, 13 Just. Sys. J. 51, 55 (1988).

⁴⁵ See ACS Administrative Bulletin No. 43 (eff. Jan. 8, 1991). The Anchorage Court Administration is looking into the possibility of transferring all unpaid fines (state-wide) to the Department of Law Collections Unit. The Collections Unit will assume this responsibility if necessary information can be electronically transferred between the courts, the Collections Unit, and the Department of Revenue. At present, manual transfer of paperwork between these entities and the Alaska State Troopers causes collections not to be cost-effective for any fine or bail forfeiture under \$250.

⁴⁶ In 1992, 1155 permanent fund dividend executions were processed from approximately 3,000 open collection accounts.

⁴⁷ This information could be gathered. According to Technical Operations, it would take approximately two days of a programmer's time.

for collection. Thirty-six percent of these cases have been paid in full. Another 6 percent have almost been paid in full, i.e., less than \$100 is still owing. The department has collected a total of \$1,560,885 in fine revenues. The court system collected a total of \$4,170,252 in fines, "mail-in bail," and bail forfeitures in FY92.

Prior to implementing a day fine system, current fine collection practices should be reviewed and possibly upgraded. The Staten Island day fine project demonstrated that, despite higher average fine amounts, day fines are not more difficult to collect than traditional fines.⁴⁸ Also, relatively simple collection techniques can significantly improve day fines collections.⁴⁹

C. Adoption of benchmarks.

Under a day fine system, the amount of the fine is determined by multiplying the defendant's average daily income by the "benchmark" for the offense. The benchmark is usually measured in "fine units" and reflects the jurisdiction's view as to the seriousness of the offense compared to other crimes. One of the first steps in implementing a day fine system is the adoption of a benchmark scale by assigning fine units to each criminal offense.

⁴⁸ Winterfield & Hillsman, supra note 19, at 7.

⁴⁹ See text accompanying note 21 supra.

Determining how many units to assign to each offense is similar to development of sentencing guidelines. The gravity of the offense is weighed against all other offenses and a determination made as to the appropriate level of punishment. The jurisdiction must also decide whether to adopt a fixed number of fine units for each offense or a range of fine units in order to allow some variation of the benchmark based on aggravating or mitigating factors. When Staten Island initiated its day fines project, a planning group determined the court's seventy most common misdemeanors and violations. The group then ranked these offenses by severity.⁵⁰ Using a scale of 120 day fine units, the planning group assigned fine units for each offense, e.g., prostitution = 5 units, harassment = 15 units, petit larceny = 5 to 60 units; sexual misconduct = 90 to 120 units. Where ranges were specified, judges were given guidance on how to establish the benchmark in a particular case. For example, a judge would determine the benchmark for a defendant convicted of petit larceny according to the value of property stolen.⁵¹

In Milwaukee, planners used the existing fine system to create the benchmark scale. Planners assigned each fine unit a value of twenty dollars and then determined the range of units for each offense by dividing the minimum and maximum fine for the offense

⁵⁰The offenses ranged from breach of public decorum to victimizing offenses generally charged as felonies but disposed of as misdemeanors. The offenses are listed in Appendix A.

⁵¹ McDonald, Greene, & Worzella, *supra* note 17, at 22.

by twenty dollars. Thus, an offense with a minimum fine of \$100 and a maximum fine of \$500 would be assigned a range of 5 to 25 fine units. Planners used the court's "deposit amount schedules" (comparable to Alaska's bail forfeiture schedules) to determine the median benchmark for each violation and infraction.⁵² A judge could adopt a benchmark higher or lower than the median (but still within the permitted range for the offense) based on aggravating or mitigating circumstances or prior criminal history.⁵³

The benchmark scales for Staten Island, Phoenix, and Milwaukee appear in Appendices A, B and C, respectively.

In 1991, the Alaska Sentencing Commission weighed the seriousness of 174 criminal offenses found in Title 11 and developed a ranking beginning with most serious (Murder I) to least serious (Unlawful Possession of Property valued under \$50)⁵⁴ Because ranking of offenses is the starting point of a day fine benchmark scale, the court system could choose to adopt this ranking for the day fines program. The court would still need to assign a fixed number or a range of fine units to each offense. Traffic offenses in Title 28, which includes DWI and DWLS offenses, and fish and game

⁵² A deposit amount schedule is similar to Alaska's bail forfeiture schedule in that a violator has the option of paying a "deposit" instead of appearing in court to contest the charge.

⁵³ McDonald, Greene, & Worzella, *supra* note 17, at 5.

⁵⁴ The purpose of the ranking was to determine if any offenses should be statutorily reclassified to reflect the seriousness of the crime, e.g., reclassify a misdemeanor offense to a felony.

offenses under Title 16 were not ranked. The Commission's ranking appears in Appendix E.

D. Evaluation of a defendant's financial resources

In addition to adopting a benchmark scale, the court system must decide how much of a defendant's income to assess. Staten Island, for example, chose to assess the defendant's daily net income, adjusted for family responsibilities and basic personal needs.⁵⁵ Daily net income was determined by dividing the defendant's pay check, welfare allotment or unemployment check by the number of days in the payment period. The figure was then adjusted based on the number of persons supported by the defendant's income. To reduce the harshness on low income defendants who do not have savings or access to credit, the valuation formula allowed an additional income adjustment for people living in poverty.⁵⁶ To assist the judge in determining the daily income assessment, planners devised a chart similar to a "tax table" showing average daily income on one axis and the number of persons supported by the defendant on the other axis. The chart appears in Appendix A.

Once the level of assessment is determined, the court system would need a procedure to obtain financial information from defendants. Courts in Alaska already collect detailed financial information

⁵⁵ Milwaukee and Phoenix used or are using a similar system.

⁵⁶ McDonald, Greene, & Worzella, supra note 17, at 27.

from defendants who request appointed counsel.⁵⁷ The same basic mechanism could probably be used to collect financial information from defendants who are subject to a day fine.⁵⁸

VI. Conclusion

Alaska faces the possibility of future budget shortfalls with the decline of oil-based revenues. As such, budget constraints may force proportionate cutbacks on prison and probation resources. Therefore, alternative intermediate criminal sanctions, such as day fines, may become a necessity. Other jurisdictions find day fines are effective as a sole penalty for misdemeanants and felons who have low treatment and supervision needs. By not imposing a short-term jail sentence on these offenders, prison space is made available for more violent, predatory offenders. As the Alaska Sentencing Commission has noted, "[e]very offender diverted into

⁵⁷ This information is also gathered as part of the presentence investigation. Such investigations are conducted in most felony cases but few misdemeanor cases.

⁵⁸ As part of its day fines project, Staten Island employed people to interview defendants about their financial resources. Planners also developed tables showing the median biweekly salary for various occupations, e.g., construction workers, food and beverage preparers, sales personnel. If a defendant refused to disclose financial information to court personnel, the judge would calculate the day fine based upon information in these tables. The general income guidelines appear in Appendix A. Judges in the Staten Island project were also authorized to adjust defendants' daily income figures to reflect illegal or "under the table" income.

a non-prison program is making a space available for a more serious offender and saving the need for new prison construction."⁵⁹

If you have any questions, please contact me at extension 646.

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/cj

⁵⁹ Alaska Sentencing Commission, 1991 Annual Report to the Governor and the Alaska Legislature 34 (1991).

APPENDIX

Appendix A: Day Fines Program for Staten Island, New York:

- Benchmark Scale
- Daily Income Reference Table
- Median Salary by Occupation Type

Appendix B: Day Fines Program for Phoenix, Arizona:

- Benchmark Scale
- Daily Income Reference Table
- Daily Income Figures for Skilled Unemployed Defendants

Appendix C: Day Fines Program for Milwaukee, Wisconsin:

- Benchmark Scale

Appendix D: Alaska Sentencing Commission: Survey Data of Felony Sentences Imposed Between 1986-91

Appendix E: Alaska Sentencing Commission: Ranking of Title 11 Criminal Offenses (July 1991)

Appendix A:

Day Fines Program for Staten Island, New York:

- Benchmark Scale
- Daily Income Reference Table
- Median Salary by Occupation Type

Staten Island Day-Fine Benchmark Scales

PL Charge	Type of Offense	<u>Number of Day-Fine Units</u> Discount-PRESUMPTIVE-Premium
115.00 AM	Criminal Facilitation 4	30 - 35 - 40
120.00 AM	Assault 3: Range of 20-95 DF	
	A. Substantial Injury	81 - 95 - 109
	Stranger-to-stranger; or, where victim is known to assailant, he/she is weaker, vulnerable	
	B. Minor Injury	59 - 70 - 81
	Stranger-to-stranger; or , where victim is know to assailant, he/she is weaker, vulnerable; or, altercations involving use of a weapon	
	C. Substantial Injury	38 - 45 - 52
	Altercations among acquaintances; brawls	
	D. Minor Injury	17 - 20 - 23
	Altercations among acquaintances; brawls	
110/ 120.00 BM	Attempted Assault 3: range of 15-45 DF	
	A. Substantial Injury	38 - 45 - 52
	Stranger-to-stranger; or, where victim is known to assailant, he/she is weaker, vulnerable	
	B. Minor Injury	30 - 35 - 40
	Stranger-to-stranger; or , where victim is know to assailant, he/she is weaker, vulnerable; or, altercations involving use of a weapon	
	C. Substantial Injury	17 - 20 - 23
	Altercations among acquaintances; brawls	
	D. Minor Injury	13 - 15 - 17
	Altercations among acquaintances; brawls	

PL Charge	Type of Offense	Number of Day-Fine Units
		Discount-PRESUMPTIVE-Premi
120.15 BM	Meanacing: Range of 30-45 DF	
	A. Threat of Serious Physical Injury Stranger-to-stranger; or, where victim is weaker, vulnerable	38 - 45 - 52
	B. Threat of Serious Phsycial Injury Altercations among acquaintences; brawls	25 - 30 - 35
120.20 AM	Reckless Endangerment	55 - 65 - 75
110/ 120.20 BM	Attempted Reckless Endangerment	17 - 20 - 23
130.20 AM	Sexual Misconduct: Range of 90-120 DF	
	A. Sexual Intercourse Without consent involving forcible compulsion	102 - 120 - 138
	B. Sexual Intercourse Where victim is incapable of consent or under the age of fourteen	76 - 90 - 104
130.38 BM	Consensual Sodomy	13 - 15 - 17
130.55 BM	Sexual Abuse 3	38 - 45 - 52
130.60 AM	Sexual Abuse 2	85 - 100 - 115
135.05 AM	Unlawful Imprisonment 2	55 - 65 - 75
140.05 vio	Trespass	13 - 15 - 17
140.10 BM	Criminal Trespass 3	17 - 20 - 23
140.15 AM	Criminal Trespass 2	42 - 50 - 58
110/ 140.15 BM	Attempted Criminal Trespass 2	25 - 30 - 35
140.35 AM	Possession of Burglary Tools	42 - 50 - 58

PL Charge	Type of Offense	Number of Day-Fine Units	
		Discount	PRESUMPTIVE-Premium
145.00 AM	Criminal Mischief 4: Range of 15-60 DF (Damage to property scaled as for petit larceny)		
	\$1000 or more	51 - 60	69
	700-999	42 - 50	58
	500-699	34 - 40	46
	300-499	25 - 30	35
	150-299	17 - 20	23
	1-149	13 - 15	17
110/ 145.00 BM	Attempted Criminal Mischief 4: Range of 15-30 DF (Damage to property scaled as for attempted petit larceny)		
	\$1000 or more	25 - 30	35
	600-999	17 - 20	23
	1-599	13 - 15	17
145.14 BM	Criminal Tampering 3	17 - 20	23
145.15 AM	Criminal Tampering 2	42 - 50	58
155.25 AM	Petit Larceny: Range of 15-60 DF		
	\$1000 or more	51 - 60	69
	700-999	42 - 50	58
	500-699	34 - 40	46
	300-499	25 - 30	35
	150-299	17 - 20	23
	1-149	13 - 15	17

PL Charge	Type of Offense	Number of Day-Fine Units	
		Discount	PRESUMPTIVE-Premium
110/ 155.25 BM	Attempted Petit Larceny: Range of 15-30 DF \$1000 or more 600-999 1-599	25 - 30 - 35 17 - 20 - 23 13 - 15 - 17	
110/ 155.30 AM	Attempted Grand Larceny: Range of 20-65 DF A. Purse Snatch Regardless of amount of value B. Extortion Regardless of amount of value C. Value Exceeding \$1000 D. Stolen Credit Card E. Stolen Motor Vehicle: Range of 20-60 DF (Car value scaled as for petit larceny) \$1000 or more 700-999 500-699 300-499 150-299 1-149	55 - 65 - 75 55 - 65 - 75 51 - 60 - 69 51 - 60 - 69 51 - 60 - 69 42 - 50 - 58 34 - 40 - 46 25 - 30 - 35 17 - 20 - 23 13 - 15 - 17	
165.05 AM	Unauthorized Use of a Vehicle 3: Range of 15-60 DF (Car value scaled as for petit larceny) \$1000 or more 700-999 500-699 300-499 150-299 1-149	51 - 60 - 69 42 - 50 - 58 34 - 40 - 46 25 - 30 - 35 17 - 20 - 23 13 - 15 - 17	
165.09 AM	Auto Stripping 2	13 - 15 - 17	

PL Charge	Type of Offense	Number of Day-Fine Units	
		Discount	PRESUMPTIVE-Premium
165.30 AM	Fraudulent Accosting	42 - 50	58
165.40 AM	Criminal Possession of Stolen Property 5: Range of 15-60 DF (Property value scaled as for petit larceny) \$1000 or more	51 - 60	69
	700-999	42 - 50	58
	500-699	34 - 40	46
	300-499	25 - 30	35
	150-299	17 - 20	23
	1-149	13 - 15	17
110/ 165.40 BM	Attempted Criminal Possession of Stolen Property 5: Range of 15-30 DP (Property value scaled as for attempted petit larceny) \$1000 or more	25 - 30	35
	600-999	17 - 20	23
	1-599	13 - 15	17
170.05 AM	Forgery 3	34 - 40	46
170.20 AM	Criminal Possession of a Forged Instrument	30 - 35	40
170.55 BM	Unlawful Use of Slugs	13 - 15	17
110/ 170.70 AM	Attempted Illegal Possession of Vehicle ID Number	30 - 35	40
175.05 AM	Falsifying Business Records 2	42 - 50	58
110/ 175.05 BM	Attempted Falsifying Business Records 2	17 - 20	23
176.10 AM	Insurance Fraud 5	51 - 60	69

PL Charge	Type of Offense	Number of Day-Fine Units
		Discount-PRESUMPTIVE-Premium
190.05 BM	Issuing a Bad Check	13 - 15 - 17
190.25 AM	Criminal Impersonation 2	42 - 50 - 58
195.05 AM	Obstructing Governmental Administration 2	21 - 25 - 29
200.30 AM	Giving Unlawful Gratuities	42 - 50 - 58
205.20 AM	Promoting Prison Contraband 2	42 - 50 - 58
205.30 AM	Resisting Arrest	21 - 25 - 29
210.35 AM	Making an Apparently Sworn False Statement	51 - 60 - 69
210.45 AM	Making a Punishable False Written Statement	51 - 60 - 69
215.50 AM	Criminal Contempt 2	64 - 75 - 86
110/ 215.50 BM	Attempted Criminal Contempt 2	17 - 20 - 23
220.03 AM	Criminal Possession of a Controlled Substance 7: Range of 35-50 DF	
	A. Possession of cocaine, heroin, PCP, LSD or other "street jobs"	42 - 50 - 58
	B. Criminal possession of valium, methadone, or other pharmaceutical drugs	30 - 35 - 40
220.45 AM	Criminal Possession of a Hypodermic Instrument	13 - 15 - 17
220.50 AM	Criminal Use of Drug Paraphernalia 2	13 - 15 - 17
221.05 vio	Unlawful Possession of Marijuana	13 - 15 - 17
221.10 BM	Possession of Marijuana 5	13 - 15 - 17

PL Charge	Type of Offense	Number of Day-Fine Units		
		Discount	PRESUMPTIVE	Premium
221.15 AM	Possession of Marijuana 4	30	35	40
221.40 AM	Sale of Marijuana 4	42	50	58
110/ 221.40 BM	Attempted Sale of Marijuana 4	21	25	29
225.05 AM	Promoting Gambling 2	42	50	58
225.15 AM	Possession of Gambling Records 2	42	50	58
230.00 BM	Prostitution	13	15	17
240.20 vio	Disorderly Conduct	13	15	17
240.25 vio	Harrassment	13	15	17
240.30 AM	Aggravated Harrassment 2	42	50	58
240.35 vio	Loitering	13	15	17
240.36 BM	Loitering 1	13	15	17
240.37A AM	Loitering for Prostitution	21	25	29
240.37 B BM	Loitering for Prostitution	13	15	17
240.37V vio	Loitering for Prostitution	13	15	17
240.45 BM	Criminal Nuisance	13	15	17
240.50 BM	Falsely Reporting an Incident 3	17	20	23

PL Charge	Type of Offense	Number of Day-Fine Units		
		Discount	PRESUMPTIVE	Premium
240.55 AM	Falsely Reporting an Incident 2	30	35	40
245.00 BM	Public Lewdness	25	30	35
110/ 250.05 AM	Attempted Eavesdropping	30	35	40
260.10 AM	Endangering the Welfare of a Child: Range of 20-90 DF			
	A. Serious physical injury with indication of neglect by parent or guardian	76	90	104
	B. Neglect of a child involving substantial risk of serious physical injury	42	50	58
	C. Neglect of a child	17	20	23
260.20 BM	Unlawfully Dealing with a Child	13	15	17
265.01 AM	Criminal Possession of a Weapon 4: Range of 35-60 DF			
	A. Criminal Possession of a Firearm	51	60	69
	B. Criminal Possession of Any Other Dangerous or Deadly Weapon	30	35	40
110/ 265.01 BM	Attempted Criminal Possession of a Weapon 4: Range of 15-25 DF			
	A. Criminal Possession of a Firearm	21	25	29
	B. Criminal Possession of Any Other Dangerous or Deadly Weapon	13	15	17
270.00 BM or vio	Unlawfully Dealing with Fireworks Range of 15-35 DF			
	A. Offering fireworks for sale; a B misdemeanor	30	35	40
	B. Possession of fireworks for use; a violation	13	15	17
270.05 BM	Unlawfully Possessing Noxious Material	13	15	17

Table 2

Dollar-Value of One Day-Fine Unit
By Net Daily Income and Number of Dependents

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
\$3	\$1.28	\$1.05	\$0.93	\$0.68	\$0.53	\$0.45	\$0.37	\$0.30
4	1.70	1.40	1.10	0.90	0.70	0.60	0.50	0.40
5	2.13	1.75	1.38	1.13	0.88	0.75	0.62	0.50
6	2.55	2.10	1.65	1.35	1.05	0.90	0.75	0.60
7	2.98	2.45	1.93	1.58	1.23	1.05	0.87	0.70
8	3.40	2.80	2.20	1.80	1.40	1.20	1.00	0.80
9	3.83	3.15	2.48	2.03	1.58	1.35	1.12	0.90
10	4.25	3.50	2.75	2.25	1.75	1.50	1.25	1.00
11	4.68	3.85	3.03	2.47	1.93	1.65	1.37	1.10
12	5.10	4.20	3.30	2.70	2.10	1.80	1.50	1.20
13	5.53	4.55	3.58	2.93	2.28	1.95	1.62	1.30
14	7.85	4.90	3.85	3.15	2.45	2.10	1.75	1.40
15	8.42	5.25	4.13	3.38	2.63	2.25	1.87	1.50
16	8.98	5.60	4.40	3.60	2.80	2.40	2.00	1.60
17	9.54	5.95 ⁵⁵	4.68	3.83	2.98	2.55	2.12	1.70
18	10.10	6.30 ³⁵	4.95	4.05	3.15	2.70	2.25	1.80
19	10.66	8.78 ⁴⁰	5.23	4.28	3.33	2.85	2.37	1.90
20	11.22	9.24	5.50	4.50	3.50	3.00	2.50	2.00
21	11.78	9.70	5.78	4.73	3.68	3.15	2.62	2.10
22	12.34	10.16	6.05	4.95	3.85	3.30	2.75	2.20
23	12.90	10.63	6.33	5.18	4.03	3.45	2.87	2.30
24	13.46	11.09	6.61	5.40	4.20	3.60	3.00	2.40
25	14.03	11.55	6.89	5.63	4.38	3.75	3.12	2.50
26	14.59	12.01	7.17	5.85	4.55	3.90	3.25	2.60
27	15.15	12.47	7.45	6.08	4.73	4.05	3.37	2.70
28	15.71	12.94	7.73	6.32	4.90	4.20	3.50	2.80
29	16.27	13.40	8.01	6.56	5.07	4.35	3.62	2.90
30	16.83	13.86	8.29	6.80	5.25	4.50	3.75	3.00
31	17.39	14.32	8.57	7.04	5.43	4.65	3.87	3.10
32	17.95	14.78	8.85	7.28	5.60	4.80	4.00	3.20
33	18.51	15.25	9.13	7.52	5.78	4.95	4.12	3.30
34	19.07	15.71	9.41	7.76	5.95	5.10	4.25	3.40
35	19.64	16.17	9.69	8.00	6.13	5.25	4.37	3.50
36	20.20	16.63	9.97	8.24	6.30	5.40	4.50	3.60
37	20.76	17.09	10.25	8.48	6.48	5.55	4.62	3.70
38	21.32	17.56	10.53	8.72	6.66	5.70	4.75	3.80
39	21.88	18.02	10.81	8.96	6.84	5.85	4.87	3.90
40	22.44	18.48	11.09	9.20	7.02	6.00	5.00	4.00

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
41	\$23.00	\$18.94	\$14.88	\$12.18	\$9.47	\$8.12	\$5.12	\$4.10
42	23.56	19.40	15.25	12.47	9.70	8.32	5.25	4.20
43	24.12	19.87	15.61	12.77	9.93	8.51	7.09	4.30
44	24.68	20.33	15.97	13.07	10.16	8.71	7.26	4.40
45	25.25	20.79	16.34	13.37	10.40	8.91	7.42	4.50
46	25.81	21.25	16.70	13.66	10.63	9.11	7.59	4.60
47	26.37	21.71	17.06	13.96	10.86	9.31	7.75	4.70
48	26.93	22.18	17.42	14.26	11.09	9.50	7.92	6.34
49	27.49	22.64	17.79	14.55	11.32	9.70	8.08	6.47
50	28.05	23.10	18.15	14.85	11.55	9.90	8.25	6.60
51	28.61	23.56	18.51	15.15	11.78	10.10	8.41	6.73
52	29.17	24.02	18.88	15.44	12.01	10.30	8.58	6.86
53	29.73	24.49	19.24	15.74	12.24	10.49	8.74	7.00
54	30.29	24.95	19.60	16.04	12.47	10.69	8.91	7.13
55	30.86	25.41	19.97	16.34	12.71	10.89	9.07	7.26
56	31.42	25.87	20.33	16.63	12.94	11.09	9.24	7.39
57	31.98	26.33	20.69	16.93	13.17	11.29	9.40	7.52
58	32.54	26.80	21.05	17.23	13.40	11.48	9.57	7.66
59	33.10	27.26	21.42	17.52	13.63	11.68	9.73	7.79
60	33.66	27.72	21.78	17.82	13.86	11.88	9.90	7.92
61	34.22	28.18	22.14	18.12	14.09	12.08	10.06	8.05
62	34.78	28.64	22.51	18.41	14.32	12.28	10.23	8.18
63	35.34	29.11	22.87	18.71	14.55	12.47	10.39	8.32
64	35.90	29.57	23.23	19.01	14.78	12.67	10.56	8.45
65	36.47	30.03	23.60	19.31	15.02	12.87	10.72	8.58
66	37.03	30.49	23.96	19.60	15.25	13.07	10.89	8.71
67	37.59	30.95	24.32	19.90	15.48	13.27	11.05	8.84
68	38.15	31.42	24.68	20.20	15.71	13.46	11.22	8.98
69	38.71	31.88	25.05	20.49	15.94	13.66	11.38	9.11
70	39.27	32.34	25.41	20.79	16.17	13.86	11.55	9.24
71	39.83	32.80	25.77	21.09	16.40	14.06	11.71	9.37
72	40.39	33.26	26.14	21.38	16.63	14.26	11.88	9.50
73	40.95	33.73	26.50	21.68	16.86	14.45	12.04	9.64
74	41.51	34.19	26.86	21.98	17.09	14.65	12.21	9.77
75	42.08	34.65	27.23	22.28	17.33	14.85	12.37	9.90
76	42.64	35.11	27.59	22.57	17.56	15.05	12.54	10.03
77	43.20	35.57	27.95	22.87	17.79	15.25	12.70	10.16
78	43.76	36.04	28.31	23.17	18.02	15.44	12.87	10.30
79	44.32	36.50	28.68	23.46	18.25	15.64	13.03	10.43
80	44.88	36.96	29.04	23.76	18.48	15.84	13.20	10.56

Net Daily Income (\$)	Number of Dependents (Including Self)							
	1	2	3	4	5	6	7	8
\$81	\$45.41	\$37.42	\$29.40	\$24.06	\$18.71	\$16.04	\$13.36	\$10.69
82	46.00	37.88	29.77	24.35	18.94	16.24	13.53	10.82
83	46.56	38.35	30.13	24.65	19.17	16.43	13.69	10.96
84	47.12	38.81	30.49	24.95	19.40	16.63	13.86	11.09
85	47.69	39.27	30.86	25.25	19.64	16.83	14.02	11.22
86	48.25	39.73	31.22	25.54	19.87	17.03	14.19	11.35
87	48.81	40.19	31.58	25.84	20.10	17.23	14.35	11.48
88	49.37	40.66	31.94	26.14	20.33	17.42	14.52	11.62
89	49.93	41.12	32.31	26.43	20.56	17.62	14.68	11.75
90	50.49	41.58	32.67	26.73	20.79	17.82	14.85	11.88
91	51.05	42.04	33.03	27.03	21.02	18.02	15.01	12.01
92	51.61	42.50	33.40	27.32	21.25	18.22	15.18	12.14
93	52.17	42.97	33.76	27.62	21.48	18.41	15.34	12.28
94	52.73	43.43	34.12	27.92	21.71	18.61	15.51	12.41
95	53.30	43.89	34.49	28.22	21.95	18.81	15.67	12.54
96	53.86	44.35	34.85	28.51	22.18	19.01	15.84	12.67
97	54.42	44.81	35.21	28.81	22.41	19.21	16.00	12.80
98	54.98	45.28	35.57	29.11	22.64	19.40	16.17	12.94
99	55.54	45.74	35.94	29.40	22.87	19.60	16.33	13.07
100	56.10	46.20	36.30	29.70	23.10	19.80	16.50	13.20

Table 3**Median Salary (Bi-Weekly Gross)
By Occupation Type**

Marketing and Sales Occupations	
Cashiers	\$ 360
Counter and Rental Clerks	380
Insurance Agents and Brokers	
Beginning	700
5-9 Years Exp.	1800
10+ Years Experience	2605
Manufacturer's Sales Workers	980
Real Estate Agents and Brokers	
Agents	730
Brokers	1340
Retail Sales Workers	430
Securities and Financial Services	
Sales Representatives	
Beginning	1420
Experienced	3490
Services Sales Representatives	805
Travel Agents and Managers	
Travel Agents	615
Managers	1150
Wholesale Trade Sales Workers	980
Administrative Support Occupations, Including Clerical	
Bank Tellers	460
Bookkeepers and Accounting Clerks	570
Clerical Supervisors and Managers	845
Computer and Peripheral Equipment Operator	630
Data Entry Keyers	550
File Clerks	475
General Office Clerk	565
Insurance Claims and Policy Processing	
Inside Adjusters	735
Outside Adjusters	825
Records Clerks	600
Claims Clerks	550

Source: Occupational Outlook Handbook, 1988-89 Edition,
U.S. Department of Labor, Bureau of Labor Statistics, April 1988

Postal Clerks and Mail Carriers

Beginning	\$770
Maximum	1040
Receptionists and Information Clerks	485
Reservation and Transportation Ticket Agents and Travel Clerks	840
Secretaries	765
Statistical Clerks	680
Stenographers	
Beginning, private	705
Experienced, private	830
Federal Government	570
Stock Clerks	600
Teacher Aides	510
Telephone Operator	630
Traffic, Shipping, Receiving Clerks	590
Typists and Word Processors	
Beginning Typist	485
Experienced Typist	650
Word Processor	615
Government Typist	475

Service Occupations**Correction Occupations**

Local	700
State	670
Federal	780
Firefighting Occupations	800
Guards	425
Police, Detectives, Special Agents	
Police Patrol Officers	830
Police and Detective Sgts.	1025
Police and Detective Lts.	1165

Food and Beverage Preparation and Service**Chefs, Cooks, and Other Kitchen Work**

Chefs	670
Cooks	420
Assistant Cooks	380
Short-Order Cooks	360
Bread/Pastry Bakers	405
Salad Preparation	340
Fast-Food Preparation	310

Food and Beverage Service Workers**(Including Tips)**

Waiters/Waitresses	345
Bartenders	430

General Maintenance Mechanics	\$760
Heating, Air-Conditioning, Refrigeration Mechanics	780
Home Appliance and Power Tool Repairers	600-920
Industrial Machinery Repairers	830
Line Installers and Cable Splicers	1055
Millwrights	1005
Mobile Heavy Equipment Mechanics	880
Motorcycle, Boat, and Small-Engine Mechanics	600
Musical Instrument Repairers and Tuners	
Beginning	305-385
Experienced	765-1535
Office Machine and Cash Register Services	750
Telephone Installers and Repairers	1220
Vending Machine Servicers and Repairers	240-1120

Construction Trades and Extractive Occupation

Bricklayers and Stonemasons	820
Carpenters	695
Carpet Installers	660
Concrete Masons and Terrazzo Workers	60
Drywall Workers and Lathers	750
Electricians	945
Glaziers	720
Insulation Workers	740
Painters and Paperhangers	600
Plasterers	750
Plumbers and Pipefitters	940
Roofers	610
Roustabouts	890
Sheet Metal Workers	1400
Structural and Reinforcing Metal Workers	930
Tilesetters	850

Production Occupations

Apparel Workers	
Sewing Machine Operators	360
Pressing Machine Operators	400
Bindery Workers	
Beginning	710
Experienced	975

Blue-Collar Worker Supervisors	\$970
Boilermakers	380-1240
Butchers and Meatcutters	750-1195
Compositors and Typesetters	690
Dental Laboratory Technicians	720
Electric Power Generating	1120
Plant Operators, Power Distributors and Dispatchers	
Inspectors, Testers, Graders	680
Jewelers	
Retail	770
Manufacturing	700-1000
Lithographers and Photoengraving Workers	
Photoengravers	1205
Lithographers	1180
Machinists	840
Metalworking and Plasticworking Machine Operators	
Motor Vehicles and Equipment	1080
Aircraft and Parts	1030
Primary Metal Industries	955
Machinery Manufacturing, Except Electrical	845
Fabricated Metal Products	790
Electrical and Electronic Machinery and Equipment	775
Misc. Plastics Products	650
Numerical-Control Machine-Tool Operators	800
Ophthalmic Laboratory Technicians	385-575
Painting and Coating Machine Operators	620
Photographic Process Workers	500
Precision Assemblers	600
Printing Press Operators	1330
Shoe and Leather Workers and Repairers	630
Stationary Engineers	1230
Textile Machinery Operators	650
Tool-and-Die Makers	1020
Upholsterers	480-1040
Water and Wastewater Treatment Plant Operators	
Operator	775
Supervisor	860

Welders, Cutters, and Welding Machine Operators	
Welding Machine Operators	\$720
Welders and Cutters	1120
Woodworking Occupations	540
Transportation and Material Moving Occupation	
Busdrivers	650
Material Moving Equipment Operators	750
Truckdrivers	
Tractor-Trailers	955
Medium Trucks	885
Heavy Straight Trucks	815
Light Trucks	610
Construction Trades Helpers	550

Appendix B:

Day Fines Program for Phoenix, Arizona

- **Benchmark Scale**
- **Daily Income Reference Table**
- **Daily Income Figures for Skilled Unemployed Defendants**