

SENATE JOINT RESOLUTION NO. 37

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY SENATOR TORGERSON

REPRESENTATIVES Navarre, Green, Ogan, G.Davis, James

Introduced: 2/12/96

Referred: Resources

A RESOLUTION

1 Urging the United States Congress to give an affirmative expression of approval
2 to a policy authorizing the state to regulate, restrict, or prohibit the export of
3 unprocessed logs harvested from its land and from the land of its political
4 subdivisions and the University of Alaska.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

6 WHEREAS Alaska had, by regulation, imposed a primary manufacturing requirement
7 applicable to timber harvested from state-owned land that is destined for export from the state;
8 and

9 WHEREAS that regulation was permissive, allowing the director of the division of
10 land to require that primary manufacture of forest products be accomplished within the state;
11 and

12 WHEREAS, considering the Commerce Clause of the United States Constitution, in
13 Southcentral Timber Development, Inc. v. Wunnicke, 467 U.S. 82, 81 L.Ed.2d 71, 104 S.Ct.
14 2237 (1984), the United States Supreme Court determined that the state's regulation could not
15 be given effect; while the court found evidence of a clearly defined federal policy imposing
16 primary manufacture requirements as to timber taken from federal land in Alaska, it

1 determined that the existing Congressional sanction reached only to activities on federal land
2 and concluded that the state's assertion of Congressional authorization by silence to allow a
3 state to regulate similar activities on nonfederal land could not be inferred; and

4 **WHEREAS** since the Wunnicke decision, Congress has, in the Forest Resources
5 Conservation and Shortage Relief Act of 1990, extended an existing ban on unprocessed log
6 exports from federal land in the 11 contiguous Western states to cover timber harvested from
7 nonfederal sources in those states; the extension of the ban on unprocessed log exports in
8 those states collectively does not affect Alaska; and

9 **WHEREAS** the principal purposes, stated or assumed, in the 1990 Congressional Act
10 for extending the ban on unprocessed log exports in the contiguous Western states -- the
11 efficient use and effective conservation of forests and forest resources, the avoidance of a
12 shortfall in unprocessed timber in the marketplace, and concern for development of a rational
13 log export policy as a national matter -- are equally valid with respect to the significant timber
14 resources held by this state, its political subdivisions, and its public university; and

15 **WHEREAS** the state cannot act to regulate, restrict, or prohibit the export of
16 unprocessed logs harvested from land of the state, its political subdivisions, and the University
17 of Alaska without a legislative expression demonstrating Congressional intent that is
18 unmistakably clear;

19 **BE IT RESOLVED** that the legislature of the State of Alaska urges the United States
20 Congress to give an affirmative expression of approval to a policy authorizing the state to
21 regulate, restrict, or prohibit the export of unprocessed logs harvested from its land and from
22 the land of its political subdivisions and the University of Alaska.

23 **COPIES** of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President
24 of the United States and President of the U.S. Senate; the Honorable Bob Dole, Majority
25 Leader of the U.S. Senate; the Honorable Tom Daschle, Minority Leader of the U.S. Senate;
26 the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable
27 Dick Armey, Majority Leader of the U.S. House of Representatives; the Honorable Richard
28 Gephardt, Minority Leader of the U.S. House of Representatives; to the Honorable Ted
29 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
30 U.S. Representative, members of the Alaska delegation in Congress.