

STATE OF ALASKA  
THE LEGISLATURE

1996

Source  
SJR 37

Legislative  
Resolve No.  
52



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

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

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

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

**WHEREAS**, considering the Commerce Clause of the United States Constitution, in *Southcentral Timber Development, Inc. v. Wunnicke*, 467 U.S. 82, 81 L.Ed.2d 71, 104 S.Ct. 2237 (1984), the United States Supreme Court determined that the state's regulation could not be given effect; while the court found evidence of a clearly defined federal policy imposing primary manufacture requirements as to timber taken from federal land in Alaska, it determined that the existing Congressional sanction reached only to activities on federal land and concluded that the state's assertion of Congressional authorization by silence to allow a state to regulate similar activities on nonfederal land could not be inferred; and

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

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

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

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

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