

**THE COUNCIL OF STATE GOVERNMENTS**

**RESOLUTION ON RECOVERY ACT ADMINISTRATIVE COSTS**

**WHEREAS**, the American Recovery and Reinvestment Act (ARRA) (P.L. 111-5) places significant oversight and accountability requirements on state and local governments;

**WHEREAS**, the ARRA provides federal agencies with significant funding for certain administrative costs, including monitoring funding distribution, waste and fraud investigation, and auditing;

**WHEREAS**, the ARRA does not provide state and local governments with flexibility to set aside a portion of their Recovery Act funds for certain administrative costs, such as auditing, contract and grant planning and management, data collection, and fraud investigations;

**WHEREAS**, the increased oversight and accountability demands place on state and local governments by the Recovery Act may be overwhelming and untenable unless states are provided additional flexibility to use Recovery Act funds for administrative costs;

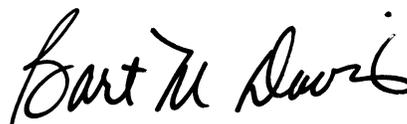
**BE IT THEREFORE RESOLVED**, that The Council of State Governments urges Congress, in coordination with the administration and state and local governments, to adopt legislation modifying the Recovery Act so as to allow state and local governments to set aside a portion of their stimulus funds for the administrative costs involved with meeting the reporting and accountability requirements established by the Recovery Act.

Adopted this 18<sup>th</sup> day of May, 2009, at the 2009 CSG Spring Conference in Coeur d'Alene, Idaho



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Governor Joe Manchin III  
2009 CSG President



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Senator Bart Davis  
2009 CSG Chair

## THE COUNCIL OF STATE GOVERNMENTS

### RESOLUTION ON CARBON CAPTURE AND STORAGE POLICY

**WHEREAS**, Congress and the Obama Administration is considering climate legislation aimed at reducing greenhouse gas emissions 80% by 2050;

**WHEREAS**, carbon dioxide is a gas that occurs naturally in the environment as a result of biological processes;

**WHEREAS**, carbon dioxide is released during combustion of any carbon-containing material, including coal, natural gas, oil and wood, all of which exist in abundance in the United States and are foundational in our nation's energy economy;

**WHEREAS**, while the science of global climate change is still evolving, it is prudent and appropriate to allow for the cost effective capture and storage of carbon dioxide in geologic formations as an alternative to its release into the air;

**WHEREAS**, carbon dioxide is a valuable commodity to the citizens of the U.S., including its value in enhancing the recovery of oil and gas;

**WHEREAS**, pursuing all options for reducing GHG emissions will be required in order to meet targets while also minimizing the adverse economic affects;

**WHEREAS**, the economies of individual states and of the nation as a whole are dependent on electricity from coal and on natural gas fired electricity generating plants that both emit carbon dioxide;

**WHEREAS**, the United States has several hundred years worth of coal and natural gas reserves that can be used to electrify our nation if appropriate GHG emission issues are successfully addressed;

**WHEREAS**, storage of carbon dioxide in geological formations is widely believed to be an effective and feasible strategy for managing emissions over long periods of time, which benefits the environment and citizens alike;

**NOW, BE IT THEREFORE RESOLVED**, that the Council of State Governments supports each state developing policies supporting the capture, injection and underground storage of carbon dioxide while addressing issues such as experimental permits, trust funds to administer programs, and long-term liability; and

**BE IT FURTHER RESOLVED**, that the Council of State Governments urges Congress and the Administration to act in close partnership with state governments and to support and supplement their policies to capture, inject, store underground and withdraw carbon dioxide for beneficial reuse or sale; and

**BE IT FURTHER RESOLVED**, that the Council of State Governments strongly urges Congress and the Administration to support state efforts to store or find beneficial uses for carbon dioxide emissions by providing additional funding and incentives for research into carbon capture and storage technologies and underground storage capacities.

Adopted this 18<sup>th</sup> Day of May, 2009 at the CSG Spring Conference in Coeur d'Alene, Idaho.



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Governor Joe Manchin III, West Virginia  
2009 CSG President



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Sen. Bart Davis, Idaho  
2009 CSG Chair

**THE COUNCIL OF STATE GOVERNMENTS  
RESOLUTION ON FEDERAL POLICY ON NUCLEAR WASTE MANAGEMENT**

**WHEREAS**, in the Nuclear Waste Policy Act (NWPA) of 1982, Congress established the federal government's policy for disposing of spent nuclear fuel produced by commercial nuclear power generation and federal high-level radioactive waste in a deep geologic repository; and

**WHEREAS**, Congress established a timetable for DOE in NWPA for developing a national repository and procedures for picking the location; and

**WHEREAS**, in 1987, Congress amended the NWPA to select Yucca Mountain in Nevada as the only site for development as a national repository; and

**WHEREAS**, in 2002 the DOE Secretary of Energy officially recommended the Nevada site and the President approved the choice; and

**WHEREAS**, the NWPA allowed a repository host state to issue a Notice of Disapproval if selected and the Governor of Nevada did so, blocking selection of Yucca Mountain unless both the House and Senate voted to override the veto; and

**WHEREAS**, the House and Senate did so override Nevada's action; and

**WHEREAS**, Congress found in the NWPA that the financial responsibility for disposing of spent nuclear fuel should fall to the people who benefit from the electricity that fuel produces; and

**WHEREAS**, to pay for the costs of the federal nuclear waste management program, the nation's ratepayers have contributed almost \$20 billion to the Nuclear Waste Fund, with such payments continuing at the rate of \$750 million per year and interest accruing on the fund; and

**WHEREAS**, the nation's inventory of highly radioactive waste includes over 58,000 metric tons of commercial spent nuclear fuel and 7,000 metric tons of waste resulting from commercial reprocessing and national defense-related activities, stored in temporary facilities in 39 states; and

**WHEREAS**, there have been proposals to build 35 new commercial nuclear reactors in the United States and 49 license extensions for existing plants have been granted, all of which will greatly increase the volume of waste requiring disposal; and

**WHEREAS**, despite the U.S. Department of Energy (DOE) having spent \$13.5 billion and over 20 years studying Yucca Mountain and preparing to develop the site as a permanent repository, the repository is now over 11 years behind schedule and will not open by the current completion date of 2020 unless the project moves forward with full funding and the implementation of existing NWPA policies; and

**WHEREAS**, the Obama Administration's budget for federal fiscal year 2010 indicates that the Administration will devise "a new strategy toward nuclear waste disposal," with the bare minimum of funding provided for DOE to continue the ongoing process of obtaining a license from the Nuclear Regulatory Commission (NRC) to construct the facility; and

**WHEREAS**, the National Academy of Sciences and other experts have studied alternatives to deep geologic disposal and concluded that other options are not feasible; and

**WHEREAS**, as Congress found in the NWPA, "State and public participation in the planning and development of repositories is essential in order to promote public confidence in the safety of disposal" of spent nuclear fuel and high-level radioactive waste; and

**WHEREAS**, The Council of State Governments' (CSG) Midwestern Radioactive Materials Transportation Project and Northeast High-Level Radioactive Waste Transportation Project, along with their counterparts in the South and the West, provide an established forum through which the states work with DOE and other federal agencies to plan for shipments of spent nuclear fuel and high-level radioactive waste, thereby promoting intra-regional and inter-regional collaboration on issues such as emergency response, security, and inspections; and

**WHEREAS**, continuing the ongoing dialogue that takes place through the regional projects is vital to the success of any large-scale federal program to ship spent nuclear fuel and high-level radioactive waste, regardless of whether the ultimate destination is a permanent repository or a centralized storage facility; and

**WHEREAS**, DOE's funding for the CSG Midwestern Radioactive Materials Transportation Project and Northeast High-Level Radioactive Waste Transportation Project for federal fiscal year 2010 is being reduced so drastically as to threaten the existence of these projects;

**BE IT NOW THEREFORE RESOLVED**, that CSG urges the federal government to honor its obligations under the NWPA by continuing (pursuing) the development of a national repository at Yucca Mountain in Nevada, contingent on NRC licensing approval; and

**BE IT FURTHER RESOLVED**, that CSG urges Congress to provide DOE and the NRC sufficient funding to carry out their obligations under the NWPA and to fully fund interactions between these agencies and the state governments affected by federal radioactive waste management and transportation activities, including full funding for the state regional transportation projects; and

**BE IT FURTHER RESOLVED**, that CSG supports and will promote the full engagement of state government officials in any reexamination of the federal government's policy for managing spent nuclear fuel and high-level radioactive waste; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution will be sent to the Governors of all 50 states, each member of the U.S. Congress, the Secretary of Energy, and the President of the United States.

Adopted this 18<sup>th</sup> day of May, 2009, at the 2009 CSG Spring Conference in Coeur d'Alene,  
Idaho



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Governor Joe Manchin III  
2009 CSG President



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Senator Bart Davis  
2009 CSG Chair

**THE COUNCIL OF STATE GOVERNMENTS  
RESOLUTION ON STIMULUS INFRASTRUCTURE FUNDING & THE NEXT  
FEDERAL AUTHORIZATION OF TRANSPORTATION PROGRAMS**

**WHEREAS**, substantial investment is needed to repair and upgrade the nation's transportation infrastructure; and

**WHEREAS**, the American Recovery and Reinvestment Act provided important and much needed funding for transportation projects around the country; and

**WHEREAS**, that stimulus funding fell far short of providing a historic commitment to improving the nation's transportation infrastructure and represented only a small portion of the amount needed to make all the needed repairs and upgrades; and

**WHEREAS**, the consideration by Congress of a new multi-year authorization of federal transportation programs provides a new opportunity to make a historic commitment to improving the nation's transportation infrastructure, while at the same time stimulating the economy through the creation of thousands of new construction jobs.

**NOW, THEREFORE BE IT RESOLVED**, that the Council of State Governments calls on Congress to seize a historic opportunity and pass an adequately funded, multi-modal, multi-year transportation authorization bill to include a focus on all modes of travel as soon as possible; and

**BE IT FURTHER RESOLVED**, that the Council of State Governments commends Congress for transportation and infrastructure funding included as part of the ARRA but expresses disappointment that the funding was not at the level needed to make substantial progress in meeting the nation's transportation infrastructure needs; and

**BE IT FURTHER RESOLVED**, that the Council of State Governments will seek to partner with organizations that share our philosophy about the need for historic investment in the nation's transportation infrastructure in advocacy of these issues before Congress.

Adopted this 18<sup>th</sup> Day of May, 2009 at the CSG Spring Conference in Coeur d'Alene, Idaho



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Governor Joe Manchin III  
2009 CSG President



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Sen. Bart Davis  
2009 CSG Chair

**THE COUNCIL OF STATE GOVERNMENTS  
RESOLUTION RECOMMENDING STATES AWARD CONTINUING LEGAL  
EDUCATION CREDITS TO ATTORNEYS WHO ATTEND COMMITTEE ON  
SUGGESTED STATE LEGISLATION MEETINGS**

- WHEREAS,** the practice of law in the states begins with legislation;
- WHEREAS,** state lawmakers and attorneys need to be informed about new and complex legislation in the states in order to best serve their constituents or clients;
- WHEREAS,** The Council of State Governments' (CSG) Suggested State Legislation Program has a distinguished 60 year history of highlighting new state legislation that addresses issues which legislators, courts, businesses, and attorneys must understand and apply;
- WHEREAS,** The Council of State Governments' Committee on Suggested State legislation governs the Suggested State Legislation Program;
- WHEREAS,** the Committee on Suggested State Legislation is composed of legislators and staff from all the states, many of whom are attorneys;
- WHEREAS,** public and private sector representatives who attend and speak about legislation at Committee on Suggested State Legislation meetings are also attorneys;
- WHEREAS,** the Committee on Suggested State Legislation meets at least twice each year to review legislation covering more than 26 general public policy areas,
- WHEREAS,** Committee on Suggested State Legislation dockets typically address more than 80 bills impacting civil or criminal law;
- WHEREAS,** the Committee on Suggested State Legislation produces annual volumes of draft laws which are distributed to lawmakers in every state, and to public and private organizations such as university law libraries and corporate law libraries;
- WHEREAS,** the work of The Council of State Governments' Committee on State Legislation enhances the professional expertise of state lawmakers and attorneys across the United States;
- WHEREAS,** Committee on Suggested State Legislation members should be acknowledged for performing duties in the legislative arena beyond those normally required by their home states,

**NOW, THEREFORE, BE IT RESOLVED,** that The Council of State Governments Executive Committee urges all states to grant Continuing Legal Education Credits to attorneys who attend Committee on Suggested State Legislation meetings.

Adopted this 18<sup>th</sup> day of May, 2009 at the CSG Spring Conference in Coeur d'Alene, Idaho.



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