

understand Senator Hall's reasoning as far as the sunset. It has some appeal because obviously we are very frustrated by this. Much of our authority as a state has been preempted by the 4-R Act, and I have gone back and forth as I have listened to this debate, and I have thumbed through some of the material I have had, but I guess my sense is that the sunset, while it is appealing on the face, I have to oppose it reluctantly as I look at where we have been. And if you look at that handout I gave you, one of the things that is really difficult to deal with as a state about the 4-R Act, if you look at APPENDIX A, in that handout that I gave you that has got the Multistate Tax Commission letter on the front of it, under Section (2), it says, "Notwithstanding any provision of section 1341 of title 28, United States Code, or of the Constitution or laws of any state, the district courts of the United States shall have jurisdiction, without regard to amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts" and so on. The way that is...what that has done, essentially, and I understand Senator Hall's frustration, but the thing that has happened with the 4-R Act is it has already been tossed into the jurisdiction of the courts, and that, in fact, one of the recommendations that we tried to get passed in the stronger language that was defeated, which is also included in this handout back here of the two NCSL resolutions, is that we made a point, on the second policy one that is headed "States and the 4-R Act" on the third page of that handout, one of the things that we tried to do on a more strongly worded resolution was to assure that federal courts only review state actions after all state remedies have been exhausted. We lost on that in terms of policy position there in the body. That is what we would have liked to accomplish as a group of states that went in and tried to get that changed and we didn't because there was so much controversy surrounding it. It is really frustrating to find ourselves in the spot that the 4-R Act has put us, but there we are, and so I guess that while I find the notion of the sunset appealing and it might move us faster, it would give us a little leverage, supposedly, our problem is with what the 4-R Act has already done to us and how very little leverage I think we have as a state. It is enough to just make you want to tear your hair, and as an example I would give you of how broadly this particular piece of legislation has gone, has been used to apply, I have some testimony here that was presented last September in Washington