

amended, as we're proposing to amend it, it can meet the preemption problem. What kind of a preemption problem do you raise if you simply say that these devices that are now on trains have to be operable? Where or how do you raise the preemption problem with that kind of a restriction? I would submit to you again that that kind of a provision is clearly compatible with the federal regulations. If you have to have them, why could they not be required to be working? It is not going to represent an undue burden on interstate commerce. If it was going to represent an undue burden on interstate commerce, we wouldn't have the regulation in the first place and they wouldn't be required to have any device, let alone a working one. How can you possibly say that a working device represents an undue burden on interstate commerce when you have to have one anyway? The other exception to the preemption argument is whether or not you're regulating in a local hazard area, and we have attempted to address that in the legislation by designating the local hazard areas where you would be required to have an operating device. I don't think that we are done with our efforts at the federal level and that is part of the reason I want to see this bill advanced from committee and brought out for consideration by the full body. Now I know that we have had several members stand up and say that they wanted to rely on the Attorney General's Opinion in this area. I will submit to you that we cannot wait for the subsequent Attorney General's Opinion. We need to advance the bill to the floor so it can take its place with the other senator priority bills so that if we have a favorable Attorney General's Opinion, it is in position to be passed this session. If we receive an unfavorable Attorney General's Opinion, we will be in a position to discuss that and you will be fully informed at a later date, I'm sure, as to the contents of that opinion and the rationale and you can make a later decision as to whether or not you want to advance the bill from General to Select and then from Select to Final Reading, based on your analysis of the Attorney General's Opinion. But to say now that we should not bring the bill from committee and place it in its rightful order while we're simply waiting for an unknown period of time for an Attorney General's Opinion simply begs the question. It is an important issue and one that I believe should receive full-blown consideration on the floor of the Legislature. And, again, I would urge that the body move the bill from committee.

PRESIDENT MOUL: Thank you, Senator Wickersham. Senator Lamb.