

which, in fact, is preempted, meaning we cannot act in it and have anything we do take effect, that does not mean we cannot act. It means that if we do something in an area that, in fact, has been preempted by Congress, there is no force in effect to what we do as far as a law that places a responsibility on somebody which they must carry out or suffer a consequence. However, even while Congress is looking at the issue, there is nothing that says we cannot try to persuade them to speak a certain way in the area that they might have preempted. So if Senator Exon is, in fact, working on an amendment and he's up on the ladder, around the eaves, trying to do some repair work, Senator Kristensen says, well, we should just kick the ladder out from under him because he's just one person the Legislature is not going to be listening to. We cannot get up there and fix the eaves but, by God, we can kick the ladder out from under Exon and make sure he doesn't fix them. I don't think that makes sense, Senator Kristensen. So if anything we can do will bring pressure of any kind on Congress to reach an appropriate decision with relationship to the safety that is implicated in what we're talking about, we should do that. And, Senator Kristensen, assuming that this area is one where Congress has preempted the states, if we enact a bill, what harm can it do? It is not going to require the railroads to do anything under our law because we don't have the power to force them to do it. But if we are correct, and if that one district court decision is wrong, then we have done something which is positive and helpful to the people in the state and those who have to work with these trains, whether on them or around them. It reminds me, Senator Kristensen, of this potentate, this king. He was sitting out in his gardens and a grasshopper was sitting there chirping on one of these pieces of grass and the king, for want of something better to do, just grabbed the grasshopper. Then he decided he was going to crush it. And, in these stories grasshoppers can talk. No, he wasn't going to eat it, Senator Kristensen. The grasshopper looked up at the king and he said, why would you kill me? And the king said, well, you don't serve any purpose. The grasshopper said, all I have is my song. It doesn't hurt you and it makes me feel good. Why will you kill me? And the king let him go. It would be good if everybody was that reasonable. If all we are doing by pulling this bill out of committee, Senator Kristensen, is singing a grasshopper's song, how does that hurt the railroads? Maybe somebody in Congress will listen. Whether they do or not, when there is something we, as a Legislature, supposedly representatives of the people can do to take a position on a serious issue we ought