

April 1, 1981

LB 205

especially that I am looking at are on page 6 at the top where it says, "the course of any such investigation". Reading that you would expect the type of investigation that they are referring to to have been mentioned.

SENATOR LANDIS: That would have been a previously mentioned investigation.

SENATOR CHAMBERS: All right, now in this section there is no investigation mentioned, so if you read the language, can you tell me how you view this section?

SENATOR LANDIS: Well, let me just say that the assumption I make is, as I look at the language, they mean what is not stated and that is the circum....on line 27, page 5, they are probably discussing an investigation of the circumstances of fires and explosions while on duty, but they don't say that. When you turn the page, that becomes investigation and that word is not used in the previous page, although I would expect what they meant to be saying, there is an unwritten reference to the investigation of determining the cause, origin and circumstances of fires or explosions while on duty in the course of such investigations, I think. But there is...when you use the word "such" in that instance, it means a previously mentioned phrase which they are then applying a second time to clarify that grant of authority.

SENATOR CHAMBERS: Thank you.

SENATOR LANDIS: And I don't see it in that section.

SENATOR CHAMBERS: Thank you, Senator Landis. And I wanted him to answer just for that purpose. And here is what I will tell the members of the Legislature. There is a difference between going through certain steps to make a determination of a thing and the idea of an investigation. The two words are not the same, and when you have two different words appearing in a section, they are not the same. They have a different meaning. And when statutes are interpreted, you don't take two different words and give them the same meaning because it is felt that no language in a statute is surplusage, that every word has a meaning and that the Legislature had a purpose for putting it there. So if you do not have any investigation stated here, nor any authorization to conduct an investigation stated here, the definition itself is inadequate, but it probably won't make anybody any difference. But again I want it into the record to show that I do read these bills and I think it is a serious step of a policy