

the record, it is the duty already of each peace officer to enforce maximum speed limits which shall include the duty to enforce maximum speed limits. It's redundant. It has no legal significance. It cannot place, legally speaking, a greater duty on the officer, but it can be of significance in giving the impression that everything not so singled out for enforcement is really discretionary. We have made enforcement of the Rules of the Road mandatory by use of the word "shall" and courts agree. In this context, "shall" imposes a mandatory duty. The reason the word "official" was placed in front of "duties" is to tie it directly into the other section of statute that I alluded to, and I can't give you the citation, because it makes reference to the official duty of these various law enforcement officers if they fail to carry out that official duty. This language was put into the present law some time ago because there were certain laws that officers were choosing not to enforce. An Opinion was sought from the Attorney General and the Attorney General said it could be done one of two ways. One of those ways was to pick specific laws that you were concerned about and put it in each one of those, or to make it a general proviso as it is here so that it applies to every law that this officer is to enforce. Declare it to be a part of that officer's official duty, make it mandatory, then there is no question about it, no question about discretion. But I think you do create that problem in the same way that whenever you begin to list items whatever is not included is deemed excluded. So if this is the mandatory duty anything not so designated cannot be a mandatory duty, and the Legislature is presumed to mean something by the language that it uses. So the court says if the Legislature puts this language in the law the Legislature desires or intends it to have a meaning...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ..separate and different from the other language, otherwise it wouldn't be there, and the court wants to give effect to all of the language that the Legislature puts. So if, under the existing law, it is deemed a mandatory duty to enforce speed limits but the Legislature feels that to make it a mandatory duty it's necessary to specify it here, then it means that every other Rule of the Road that is not so specified is not a mandatory duty. So, in giving effect to this as a mandatory duty, the others are not mandatory. That's what it has to be. I don't think it is so important that this