

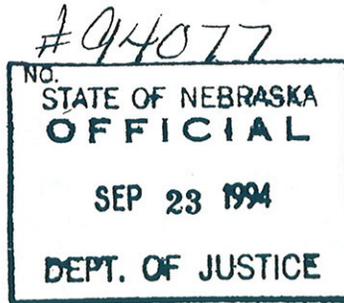


STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
 LINCOLN, NEBRASKA 68509-8920
 (402) 471-2682
 TDD (402) 471-2682
 CAPITOL FAX (402) 471-3297
 1235 K ST. FAX (402) 471-4725

DON STENBERG
 ATTORNEY GENERAL

L. STEVEN GRASZ
 SAM GRIMMINGER
 DEPUTY ATTORNEYS GENERAL



DATE: September 12, 1994
 SUBJECT: Reporting of Fires to the State Fire Marshal
 REQUESTED BY: Michael R. Durst, State Fire Marshal
 WRITTEN BY: Don Stenberg, Attorney General
 Lynn A. Melson, Assistant Attorney General

You have requested our opinion concerning the interpretation of Neb. Rev. Stat. § 81-506 (Cum. Supp. 1992). This statute requires fire chiefs and other local officials to investigate the cause, origin, and circumstances of every fire by which property has been destroyed or damaged. The statute then provides as follows:

All fires of unknown origin shall be reported, and such officers shall especially make investigation and report as to whether such fire was the result of carelessness, accident or design. Such investigation shall begin immediately after the occurrence of such fire, and the State Fire Marshal shall have the right to supervise and direct such investigation whenever he or she deems it expedient or necessary. The officer making the investigation of fires occurring in cities, villages, townships or commissioner districts shall forthwith notify the State Fire Marshal and shall, within one week of the occurrence of the fire, furnish him or her a written statement of all the facts relating to the cause and origin of the fire, and such further information as he or she may call for.

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You have specifically inquired whether this statute requires local officials to submit a report for each fire call made or only for those fires which are of unknown origin. For the reasons stated below, we believe that all fires must be reported to the State Fire Marshal.

In the absence of anything indicating to the contrary, statutory language should be given its plain and ordinary meaning. *State v. Stein*, 241 Neb. 225, 486 N.W.2d 921 (1992). The portion of Neb. Rev. Stat. § 81-506 which provides that all fires of unknown origin shall be reported may create some confusion. However, we note that the statute also provides that the fire chief or other local official must investigate every fire occurring in the local area by which property has been destroyed or damaged, and further provides that the officer making the investigation of fires occurring in the local area must notify the State Fire Marshal and, within one week, furnish a written statement as to the cause and origin of each fire. The written statement requirement does not appear to be limited only to fires of unknown origin.

Another rule of statutory construction is that statutes pertaining to the same subject should be construed together as if they were one law and effect should be given to every provision. *Indian Hills Community Church v. County Board of Equalization*, 226 Neb. 510, 412 N.W.2d 459 (1987). In other words, the intent deduced from the whole prevails over that of a particular part considered separately. *Grosvenor v. Grosvenor*, 206 Neb. 395, 293 N.W.2d 96 (1980). With that rule of statutory construction in mind, we have reviewed Nebraska statutes regarding fire investigations and records. Neb. Rev. Stat. § 81-507 (1987) provides as follows:

The State Fire Marshal shall keep in his office a record by alphabetical index, name of town, and by county and precinct in all unincorporated territory, of all the fires occurring in the state, together with all facts, statistics and circumstances, including the cause and origin of the fires, which may be determined by the investigation provided by section 81-506.

Common sense tells us that the State Fire Marshal would be unable to keep a record of all fires that occur in the state unless

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all fires were reported to the State Fire Marshal by local officials. Construing the statutes together lends support to our conclusion that all fires which destroy or damage property, and not solely the fires of unknown origin, must be reported to the State Fire Marshal.

Sincerely,

DON STENBERG
Attorney General


Lynn A. Melson
Assistant Attorney General

Approved By:


Attorney General