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ARIZONA ATTORNEY GENERAL**

March 23, 1954  
Letter Opinion  
No. 54-73-L

Mr. Jack A. King  
State Veterinarian  
Capitol Building  
Phoenix, Arizona

Re: Section 50-958, A.C.A. 1939  
As amended Laws of 1949.

Dear Mr. King:

In reply to your request for a written opinion concerning the authority to refuse any or all requests to move Brucellosis reactors, we are herein enclosing said opinion. Section 50-958 of the A.C.A., as amended reads as follows:

"50-958. Disposition of reactors.--A reactor not having an official vaccination shall be identified with a "B" brand on the left jaw and shall, not less than fifteen (15) days after such determination, be: 1. sold for slaughter; 2. placed, with permission of the state veterinarian, in a herd not located in a state designated Brucellosis free area and producing milk for pasteurization, or, 3. sold for interstate movement under existing rules and regulations."

Three things may be done with a reactor under the plain and unambiguous terms of this code section. A reactor may be: 1. sold for slaughter; 2. placed in a herd not located in a state designated Brucellosis free area and producing milk for pasteurization, with permission of the state veterinarian, or, 3. be sold for interstate movement under existing rules and regulations.

The only supposed difficulty in interpretation is that of the second means of disposal. The statute states plainly that a reactor may not be located in a state designated Brucellosis free area and producing milk for pasteurization under any circumstances, but may be placed in another area if permission is granted by the state veterinarian. By implication, therefore, the state veterinarian has the right to refuse even this permission.

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If the owner of said reactor does not comply with the above provisions, the Livestock Sanitation Board is compelled to enforce them by charging said violator with a misdemeanor under Section 50-960, which reads as follows:

"50-960. Brucellosis control regulations.--  
The livestock sanitary board shall enforce  
the provisions and regulations of this act."

It is evident that the state veterinarian has the right, for good cause, to refuse any or all requests to move Brucellosis reactors to other herds of dairy cattle.

Very truly yours,

JOHN R. ELLIOTT  
Assistant to  
The Attorney General

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