

July 27, 1939

Arizona Sheep Sanitary Commission,  
15 West Thomas Road,  
Phoenix, Arizona.

**LAW LIBRARY**  
**ARIZONA ATTORNEY GENERAL**

Gentlemen:

I have before me your letter of July 24, 1939, requesting an opinion from this office as to whether or not sheep owned by Arizona residents after grazing temporarily in some other State may be returned to Arizona without enforcement of inspection fee as covered in Paragraph "D", Section 1, Chapter 60, Laws of the Regular Session, 1939. That section reads as follows:

" Sheep or goats temporarily removed from the State, by an owner who is a permanent resident of the state with headquarters therein, under a permit or certificate issued by the sheep sanitary commission in compliance with the rules and regulations of the commission, shall not be subject to the provisions of this section, but when it is desired to re-introduce the same herd of sheep or goats into the state, full compliance must be had with the law and the rules and regulations of the commission pertaining to the shipping, transporting or moving of sheep or goats."

It is apparent from a mere reading of the above that the section is not only ambiguous but is contradictory in that the latter part completely nullifies the first part. It is a cardinal rule of statutory construction that when a statute is susceptible of two constructions, one reasonable and the other ambiguous or absurd, the reasonable construction will be adopted. Unless we declare Section "D" a nullity due to its contradictory effect, we must hold that the word "law" is limited by the adjectives shipping, transporting, or moving. If this is done a construction can be placed upon the act which we believe is both reasonable and which was intended by the framers of the act. This position is substantiated to some extent by the fact that there are numerous statutes and rules and regulations pertaining only to shipping, transporting or moving of sheep or goats.

For the foregoing reason it is the opinion of this office that sheep owned by Arizona residents after grazing temporarily in some other state, may be returned to Arizona without enforcement of the inspection fee after full compliance is had

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with the laws pertaining to the shipping, transporting, or moving of sheep or goats and the rules and regulations of the Arizona Sheep Sanitary Commission which pertain to the same subject.

Very truly yours,

JOE CONWAY,  
Attorney General

W.E. POLLEY,  
Assistant Attorney General.

EARL ANDERSON,  
Special Assistant  
Attorney General.