

March 9, 1945

Dr. Vego Mikkelson
State Veterinarian
Capitol Annex
Phoenix, Arizona

Veterinarian
LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dear Dr. Mikkelson:

We have your letter of March 8th wherein you state:

"Will you please give me your opinion on the following questions relative to Chapter 16, House Bill No. 83, amending Section 17-1607, Arizona Code of 1939? This is relative to tax on dogs and became a law on February 26, 1945.

"Will it be possible, if I so desire, to designate a rabies control area at the present time, on any area in the State or will it be necessary to wait until after May 1, 1945?

"How are the quarantines to be published when it is necessary for a rabies control area to be designated?

"Can a rabies control area be placed in a city or town which already has an ordinance and tax on dogs?

"When a rabies control area is designated by me, will it be sufficient for me to notify the County Board of Health that a certain area is to be designated and then they would see to publishing the quarantine notice?

"Although I have been given the authority in this law to designate the rabies control areas, the money is to be given to the County Boards of Supervisors and therefore I have no jurisdiction to order the spending of the money to publish quarantine notices, etc."

Chapter 16, Laws of 1945 is an emergency measure, and is now in effect, and under the provisions of said act, you may now designate an area as being under rabies control. However, the constable of the area would not be authorized to summarily destroy unlicensed dogs until after May 1, 1945.

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You will note the act does not authorize or direct you to do anything further than designate the area under control. In other words you are not authorized to establish or enforce a quarantine in the area designated.

We think said act contemplates that when you have designated an area to be under rabies control, you should notify the County Health Board of your action and that the County Board then establishes and enforces the quarantine in the designated area. Notice of the quarantine should be given by the County Board in accordance with the laws and regulations for establishing quarantines.

Said Chapter 16 expressly provides the act does not apply to incorporated cities or towns which by ordinance imposes a tax on dogs, therefore you, as state veterinarian would have no authority under said chapter to designate a control area in such cities and towns.

Yours truly,

JOHN L. SULLIVAN
Attorney General

EARL ANDERSON
Assistant Attorney General

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