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October 19, 1954  
Letter Opinion  
No. 54-238-L

Mr. E. C. Mason, Secretary  
Arizona State Board of Pharmacy  
1242 East McDowell Road  
P. O. Box 5296  
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Re: License fee exemptions

Dear Mr. Mason:

This is in reply to your letter of recent date in which you raised the following question:

"We would appreciate receiving clarification of Chapter 113, Laws 1944 relating to exemption from payment of license fees of professional and business people in service during World War II.

Specifically, we would like to be advised if this exemption has expired and the date of such expiration."

The act to which you have reference is Chapter 13, Laws of 1944, Second Special Session, which reads as follows:

"Section 1. Exemption from payment of fees and dues.--(a) No member of the armed forces of the United States, or of the United States Merchant Marine, a citizen of the state, who, holds a valid and subsisting license issued by any agency of the state, to practice or engage in a professional or business pursuit in accordance with the provisions and requirements of chapter 67, Arizona Code of 1939, shall be required to pay any fees or dues for the maintenance or renewal of such license until the termination of the war, or until such person is honorably discharged, whichever is the sooner. All such fees or dues accruing

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during the period of any such person's membership in the armed forces shall be deemed by the licensing agency to be waived, and upon application within one (1) year following the termination of the war or the honorable discharge of such person, the appropriate licensing agency shall issue a license for the current year without the payment of accrued fees or dues without being required to submit to an examination and without penalty or delinquency."  
(Emphasis supplied.)

It will be noted from the reading of this law that unlike most of the war measures passed by the Arizona Legislature, the foregoing act does not contain an effective date clause. In construing this act it becomes necessary to view it in the light of the date of its passage. The law was passed in March of 1944 at which time the United States was engaged in total war with the axis powers, which included a number of hostile countries. The Legislature, by the use of the words "the war" (underlined above), could only have reference to what was popularly called World War II.

The opinion of this office, No. 53-1, dated January 9, 1953, pointed out that a state of war continues until there is executed a formal treaty of peace with a proclamation thereof by the President or a joint resolution of Congress proclaiming that a state of war no longer exists. Presidential Proclamation No. 2974, 50 U.S.C.A. Appen., page XX, by former President Harry S. Truman, declared the end of the war coterminus with the effective date of the treaty with Japan, which was 28 April, 1952. World War II, therefore, officially ended on that date.

It is the opinion of this office, in light of the foregoing, that Chapter 13, Laws of 1944, Second Special Session, terminated on the 28th day of April, 1952, and by the express terms of the act the last possible date upon which license fees could be waived was April 28, 1953.

I trust that the foregoing satisfactorily answers your question and if we may be of further help in this or any other matter, please do not hesitate to call upon us.

Yours very truly,

R. DEAN BURCH  
Special Assistant to  
The Attorney General

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