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May 10, 1945

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## ARIZONA ATTORNEY GENERAL

Mr. W. T. McGeorge  
State Chemist  
Arizona Feed and Fertilizer Control Office  
University of Arizona  
Tucson, Arizona

Dear Sir:

We reply to your letter of May 8, 1945, from which we quote:

"I am writing to ask for an opinion as follows:  
In accepting registrations on July 1, 1945 they will be good only for the rest of the calendar year. Since the law goes into effect in the middle of the calendar year must we collect the full registration fee as given in section 7 and collect a full fee beginning on January 1, 1946?"

"I will appreciate an early opinion on this matter because it will be necessary for us to have registration forms printed for distribution by June 1."

Chapter 93, Section 7 of the Laws of 1945 (Senate Bill No. 96) provides:

"Any person desiring to register an economic poison under the provisions of this act shall pay to the state chemist an annual registration fee of twenty-five dollars for the first economic poison registered by him in any calendar year, and an annual fee of ten dollars for each additional economic poison registered by him in any calendar year. After this act has been in effect for one year the state chemist may, if it appears that the revenue derived from this act is more than necessary for its administration and registration fees herein provided. \* \* \*"

You will please note the underscored part of Section 7.

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License fees must be paid strictly in accordance with provisions of the statute. Such fees may be apportioned only when the law permits it, but not otherwise.

It is therefore our opinion that a person who applies for a license to handle economic poisons before January 1, 1946, will have to pay the full fee of twenty-five dollars (\$25.00) for the first economic poison registered, and the further sum of ten dollars (\$10.00) for each additional economic poison registered by the same person during this year. The same fee or fees will have to be paid again for the calendar year commencing January 1, 1946, and for each year thereafter.

You will please note that under this act you are given discretionary power to reduce these fees after the act has been in effect one year, if the revenue derived therefrom during the first year is more than necessary for the administration of the act.

It is our opinion that you should commence to exercise this discretion on January 1, 1947, for the reason that the phrase "after this act has been in effect one year" means the calendar year subsequent to 1946.

Yours very truly,

JOHN L. SULLIVAN  
Attorney General

HARRY O. JULIANI  
Chief Assistant  
Attorney General

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