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May 31, 1951
Op. No. 51-149

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ARIZONA ATTORNEY GENERAL

A. Warren Austin, Commissioner
State Dairy Commission
State House
Phoenix, Arizona

Dear Mr. Austin:

This is in reply to your letter of May 16, 1951,
wherein you ask the following:

"Inclosed is an opinion rendered by
you in regard to Mr. Gossen. Mr.
Gossen is now buying milk from other
producers and handling it in the same
manner as he was when he had his own
milk only.

First, will Mr. Gossen be required to
take out a \$50. distributor's license,
and second, if so, will he have to pay
the entire \$50. or can the \$25. which he
paid for a producer-distributor's license
be counted as part payment on the new
license?"

You are advised as follows.

It is our opinion that it will be necessary for Mr.
Gossen to secure distributor's license for which he will
be required to pay \$50.00, and that the \$25.00 he paid for
a distributor's license cannot apply toward the payment of
the \$50.00 for the distributor's license for the following
reasons.

Part (d) of Section 4, Chapter 153 of the Session Laws
of 1951, which is our new Dairy Code, provides as follows:

"(d) Fees shall be paid as follows:
1. for a license or renewal of a li-
cense to operate a milk distributing

plant or business, fifty dollars; 2. for a license or renewal of a license to operate a manufacturing milk processing plant, fifty dollars; 3. for a license or renewal of a license to engage in the manufacture of ice cream for retail only to the ultimate consumer, ten dollars; and, 4. for a license or renewal of a license to engage in the business of producer-distributor or producer-manufacturer, twenty-five dollars."

The above quoted section provides for four different types of licenses. Mr. Gossen secured a license as a producer-distributor for the year 1951.

Quoting part of Part (b) of said Section 4, supra, we have this:

"(b) * * * An annual license shall be valid for the period beginning January first and ending December thirty-first of each year, and a license not renewed on or before February first of each year shall be void."

The license secured by Mr. Gossen was for the year ending December 31. He now desires to secure a license for an entirely different business. All of the above quotations are from the new law but the old law is equally explicit to the new one. As we will soon be operating under the new law, it was quoted. We have failed to find any statute or court rulings that would permit you to give Mr. Gossen credit for the \$25.00 paid for the producer-distributor license on a new license as distributor for the remainder of 1951.

It is therefore our opinion that Mr. Gossen will be required to pay \$50.00 for his distributor's license.

Very truly yours,

FRED O. WILSON
Attorney General

CHAS. ROGERS
Assistant Attorney General