



Attorney General

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Phoenix, Arizona 85007

Robert R. Corbin

August 1, 1983

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ARIZONA ATTORNEY GENERAL

Mr. J. H. Paulson
State Chemist
Office of the State Chemist
Box 1586
Mesa, Arizona 85201

Re: I83-090 (R83-066)

Dear Mr. Paulson:

You have requested an opinion concerning conditions under which a person licensed to manufacture or distribute commercial feed in Arizona must pay an inspection fee to the State Chemist.

A person who wishes to manufacture or distribute commercial feed in this State must obtain a commercial feed license from the State Chemist, A.R.S. § 24-911^{1/2}. The license fee is ten dollars for each place of business in this State used in the manufacture of commercial feed, with a minimum fee of ten dollars if the licensee has no place of business in this State. A.R.S. § 24-911.B. The commercial feed licenses must be renewed (and the appropriate license fee paid) each year.

Pursuant to A.R.S. § 24-906, the State Chemist is mandated to:

sample, inspect, make analysis of and test commercial feeds distributed within this state at such time and place and to such an

1. Exceptions are provided for persons who distribute feed only to licensed manufacturers for further manufacturing; packaged feed in the original packages received from a licensee or bulk feed in the form received from a licensee. A.R.S. § 24-911.

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extent as the state chemist deems necessary to determine whether or not such feeds are in compliance with the [labeling and adulteration] provisions of this article.

In addition to the commercial feed license fee, A.R.S. § 24-907 authorizes the State Chemist to collect an inspection fee.

A.R.S. § 24-907 provides, in pertinent part:

An inspection fee at the rate of fifteen cents per ton shall be paid to the state chemist on commercial feeds distributed in this state by any person licensed pursuant to The minimum inspection fee is two dollars for each calendar quarter.

Your specific inquiry is whether a licensed commercial feed company which does not distribute commercial feed in a particular quarter must still pay the minimum \$2.00 fee. The fee is payable "on commercial feeds distributed in this state", A.R.S. § 24-907.A. Therefore, if no feed is distributed² by a licensee in any calendar quarter, he is not required to pay the minimum inspection fee for that calendar quarter.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

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2. We note that the term "distribute" is very broadly defined. A.R.S. § 24-901 states: "'Distribute' means to offer for sale, sell, barter or otherwise supply commercial feeds." Thus, even if a commercial feed licensee does not sell or deliver any commercial feed, during a calendar quarter, if he in any way "offers" it for sale, he must remit the \$2.00 minimum inspection fee for that quarter.