



OFFICE OF THE
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BRUCE E. BABBITT
ATTORNEY GENERAL

March 12, 1975

The Honorable Thomas N. Goodwin
Arizona State Representative
House of Representatives
House Wing
1700 West Washington
Phoenix, Arizona 85007

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Dear Representative Goodwin:

You have verbally inquired as to why the costs of the real estate primer are paid from the real estate fund rather than the real estate education fund.

In 1972 the Legislature established a real estate educational fund (A.R.S. Sec. 32-2103D). In part, the statute provided for the assessment of monies from real estate licensees for the purpose of, "...advancing education in real estate, including distributing printed matter of an educational nature, and conducting educational meetings for the benefit of licensed brokers and salesmen". The purpose of the real estate educational fund appears to be to cover all costs of the educational program without additional charge to the licensees.

Provisions for publication and distribution of the real estate primer were established by A.R.S. Sec. 32-2107D, adopted in the same year, which provides in part: "Single copies of educational matter printed and circulated, except replacement pages and a real estate primer, may be furnished without charge to each licensee". The statute goes on to provide for collection of a fee for the primer at a price sufficient to cover the cost thereof.

If the Legislature had intended the real estate primer to be educational matter, the first cited statute would have specifically included such in the statute in addition to

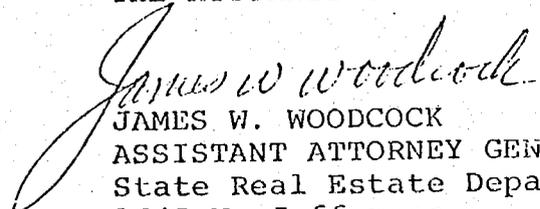
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"educational matter," the cost of same to be an assessment against the real estate educational fund. The fact that the primer is only mentioned in the latter statute, which provides specifically for free "printed educational matter" but prescribes a charge for issuance of such primer indicates that the Legislature did not intend that the term "printed matter" include the primer, as the term is used in A.R.S. Sec. 32-2103D. Therefore, the costs of printing the primer should be paid by the real estate fund and the fees received from the sale of the primer deposited in the real estate fund.

Very truly yours,

BRUCE E. BABBITT
THE ATTORNEY GENERAL


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