

1976 S.C. Op. Atty. Gen. 295 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4440, 1976 WL 23057

Office of the Attorney General

State of South Carolina

Opinion No. 4440

September 3, 1976

*1 The Board of Engineering Examiners can increase fees for Professional Engineers and Engineers-in-Training examinations during the 1976–1977 fiscal year to at least equal the amount appropriated in the 1976–1977 General Appropriations Act for these examinations.

To: Roland Trent
Director of Investigations

QUESTION PRESENTED:

Does Section 93 of the 1976–1977 General Appropriations Act permit the State Board of Engineering Examiners to charge a higher fee for examinations of Professional Engineers and Engineers-in-Training than is provided for in Section 56–725, South Carolina Code of Laws (1962), as amended?

DISCUSSION:

Section 72–725, South Carolina Code of Laws (1962), as amended, provides that the Board shall charge an examination and registration fee of thirty-five (\$35.00) dollars for Professional Engineers and ten (\$10.00) dollars for Engineers-in-Training. Section 56–727 provides that a candidate may be re-examined after failure without payment of an additional fee. The examinations in question are purchased from the National Council of Engineering Examiners at a cost of fifteen (\$15.00) dollars per exam, thus often producing situations in which the fees do not cover the Board's costs if the candidate is re-examined.

Section 93 of the General Appropriations Act (R 789, H 3910) provides, inter alia that:

. . . notwithstanding provisions of the 1962 Code of Laws of South Carolina, as amended, Section 56–701 through 56–740 . . . all assessments, fees and/or licenses shall be levied in an amount sufficient to at least equal the amount appropriated in this section and the employer costs of retirement, Social Security, health and other insurance.

It is apparent from the language ‘notwithstanding provisions of the 1962 Code’ that the Board may raise its fees to cover the costs of the examination even though Section 56–725 provides a fixed fee. This interpretation is further supported by the last paragraph of the General Appropriations Act which provides:

All Acts or parts of Acts inconsistent with any of the provisions of Part I of this Act are hereby suspended for the fiscal year 1976–1977.

CONCLUSION:

The South Carolina State Board of Engineering Examiners may raise the fees charged the Professional Engineers and Engineers-in-Training for examinations during the fiscal year 1976–1977 in order to cover the actual costs of these examinations, including the expenses for proctoring the examinations, renting facilities, etc.

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