

1982 WL 189411 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 3, 1982

***1** Edgar A. Vaughn, Jr.
State Auditor
407 Wade Hampton Office Building
Post Office Box 11333
Columbia, South Carolina 29211

Dear Ed:

Pursuant to your request we have examined Section 13, Part II, of the 1982-83 General Appropriations Act, which Section refers to certain fees to be paid to SLED for pistol permits, private detective licenses, and security business licenses.

The effect of the amendments to [Code Sections 23-31-120, 40-17-30, 40-17-40, 40-17-70, 40-17-80, and 40-17-120](#) does not change the substance of the statutes but increases the fees payable for various permits and licenses, as well as fees to be charged by SLED for certain training under [Sections 23-31-120 and 40-17-30](#). The immediate question arises from Subsection (G) of the amending Act, which provides:

(G) Notwithstanding any other provision of law, any additional revenue resulting from an increase in fees, as provided in [Sections 23-31-120, 40-17-30, 40-17-40, 40-17-70, 40-17-80 and 40-17-120 of the 1976 Code](#) shall be deposited to the credit of the General Fund.

[Sections 23-31-120 and 40-17-30](#), before this amendment, provided that the fees received 'shall be paid to the Division to be used to defray the costs . . .' of such training or the cost of issuing and renewing permits.

No particular problem is present by the provisions of [Sections 40-17-40, 40-17-70, 40-17-80, and 40-17-120](#); because neither the original nor the amendments to those particular Sections provide that any part of the fees concerned are to be retained by the Division. Accordingly, all such fees go to the General Fund of the State.

As to [Section 23-31-120 and 40-17-30](#), applicants are required to undergo certain training and meet certain qualifications under the direction of SLED; and in those cases the Sections both provide that the fees for training and for issuing permits and renewals shall be used by SLED to defray the associated costs. Except for the provisions of Subsection (G) quoted above, the meaning of [Sections 23-31-120 and 40-17-30](#), as amended, would be clear. That is, SLED would retain those fees to defray the costs of the programs concerned.

However, the phrase 'notwithstanding any other provision of law' in Subsection (G) of the amending Act appears clearly to limit the funds which SLED may retain to the 'old fees' contained in those Sections before the present amendments. As we read the Act SLED would be entitled to retain the \$50 training fee which is in both old and new versions of [Section 23-31-120](#); but may retain only \$5 (the old fee) of the new \$30 fee for issuing permits and renewals to carry pistols. The General Fund would receive the 'additional revenue' of \$25 arising from issuance of pistol permits and renewals.

As to [Section 40-17-30](#), detective and security training SLED would retain \$30 (the old fee) but the new fee of \$60 provides 'additional revenue' of \$30 and would be deposited to the General Fund.

***2** If you have further questions, do not hesitate to call.

Sincerely,

Frank K. Sloan
Deputy Attorney General

1982 WL 189411 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.