



July 10, 1961

Honorable Earl R. Blackwell
Senator, 22nd District
Hillsboro, Missouri

Dear Senator Blackwell:

In your letter of July 5, 1961, you requested the opinion of this office as to whether Senate Bill 318, 71st General Assembly, authorizes the County Clerk of Jefferson County to retain a fee of five dollars which must be paid to him by persons applying for building permits in that county.

Senate Bill 318 authorizes the county courts of certain second class counties to require the securing of building permits by persons in those counties who seek to erect structures which are in excess of \$600 in value.

The pertinent part of Senate Bill 318 reads as follows:

"3. Upon receipt of such application the county clerk of such county shall immediately prepare a building permit in the customary form and shall issue the same to the applicant upon the payment by the applicant of the building permit fee of five dollars."

We enclose an opinion of this office issued to the Honorable Haskell Holman on November 7, 1953, which states the applicable law on this subject. That opinion holds that unless the legislature specifically provides otherwise, the fees of the county clerk are accountable and hence cannot be retained by the county clerk. Since nothing in Senate Bill 318 indicates that the fees are to be unaccountable, then the reasoning of the enclosed opinion forces the conclusion that the \$5.00 building permit fee cannot be retained by the county clerk.

Very truly yours,

BE:BJ

THOMAS F. EAGLETON
Attorney General