

Opinion No. 19.**Public Records—Certified Copies to be
Furnished Without Charge, When, to
Whom—Veterans' Bureau.**

Held: Public officials having custody of records required by the Veterans' Bureau for the purpose of determining eligibility for benefits made available under such bureau are authorized to furnish certified copies thereof to the applicant for such benefits, or any person acting on his behalf or the representative of such bureau, without charge.

March 14, 1945.

Mr. Oliver Phillips
County Attorney
Lincoln County
Libby, Montana

Dear Mr. Phillips:

You have requested my opinion whether the clerk of the district court, or any other public official, is authorized to furnish certified copies of marriage certificates and other documents in his custody required by the army and navy departments in connection with payments to be received by members of the armed forces. You call my attention to the provisions of Section 16 of Chapter 58, Laws of 1943, known as Uniform Veterans' Guardianship Act.

Section 16 of Chapter 58, Laws of 1943, is very plain and unambiguous, and hence needs no interpretation. It provides:

"When a copy of any public record is required by the veterans' administration to be used in determining the eligibility of any person to participate in benefits made available by the veterans' administration, the official custodian of such public record shall without charge provide the ap-

plicant for such benefits or any person acting in his behalf or the authorized representative of the veterans' administration with a certified copy of such record."

The provisions of this section are specifically limited to copies of public records required by the veterans' administration to be used in determining the eligibility of any person to participate in benefits made available under the veterans' administration. Therefore, if a copy of a public record is requested for any other purpose and a statute provides for collection of a fee for such copy, the official having custody of such record must collect such fee.

It might be noted that a public official may not collect a fee for any service unless authorized by statute. (See State ex rel. Baker v. District Court, 24 Mont. 425, 427, 62 Pac. 688.)

The only other statute I find pertinent to this question is Section 5654, Revised Codes of Montana, 1935, which provides for recording discharge certificates without charge. (See also Opinion 322, Volume 19, Report and Official Opinions of the Attorney General.) Certified copies of discharge certificates for purposes mentioned in Section 16, Chapter 58, Laws of 1943, would of course come within the provisions of this act and the clerk would be authorized to furnish the same without charge.

It is therefore my opinion public officials having custody of records required by the Veterans' Bureau for the purpose of determining eligibility for benefits made available under such bureau are authorized to furnish certified copies thereof to the applicant for such benefits, or any person acting on his behalf or the representative of such bureau, without charge.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General