

## Opinion No. 47-4973

January 3, 1947

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. C. R. Sebastian State Comptroller Santa Fe, New Mexico

{\*2} This will acknowledge receipt of your letter of December 31, 1946, wherein you request the opinion of this office as to whether a county clerk's office should furnish free of charge more than one copy of a marriage license and honorable discharge to veterans.

Section 66-1509 of the 1941 Compilation provides:

"Whenever any soldier shall request of the county clerk of any county a certified copy of his marriage license, it shall be the duty of such county clerk to prepare and certify to such copy of the requested marriage license free of cost to the soldier, provided that the certified copy of said marriage license is to be used and filed with the veterans bureau of the United States in accordance with the regulations thereof."

Section 35-416 of the Supplement to the 1941 Compilation 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 applicant for such benefits, or any person acting on his behalf, or the authorized representative of the Veterans Administration, with a certified copy of such record."

I think it is generally known among veterans that several copies of marriage licenses and honorable discharges are required if a veteran desires to participate to a full extent in benefits through the veterans administration.

I do not believe that the legislature intended to limit the waiver of charges on certified copies of marriage licenses and honorable discharges to one copy. I believe the legislature intended to waive charges on **all certified copies of marriage licenses and honorable discharges**, as long as those certified copies are required by the veterans administration, and are to be used in securing benefits made available by the veterans administration.

In view of what has been set out above, I am of the opinion that a county clerk should furnish free of charge more than one copy of a marriage license or honorable discharge; provided, that these certified copies are required by the veterans administration and are to be used in securing benefits made available by the veterans administration.

By: WILLIAM R. FEDERICI,

Asst Atty. General

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