

Opinion No. 52-5566

July 18, 1952

BY: JOE L. MARTINEZ, Attorney General

TO: Mrs. Eva Tatum County Clerk Lovington, N. M.

{*276} This is in reply to your letter of July 15th concerning the opinion of this office numbered 5485 which ruled that free copies of marriage certificates could be supplied only for resident veterans.

This opinion, while correct insofar as it applies to individuals requesting free copies of marriage certificates for unspecified use, does not and could not take away the right of obtaining certified copies of any documents free of charge by the Veterans Administration or by a veteran or his representative when a showing is made that the documents are to be used in connection with the determination of the veterans's eligibility to veterans benefits.

Section 35-416 NMSA, enacted in 1945, § 16 of Ch. 117 of the Session Laws of that year states:

"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 {*277} on his behalf, or the authorized representative of the Veterans Administration, with a certified copy of the record."

This requirement must be taken to apply to records of any person resident or not, and to any office of the Veterans Administration requesting the record copies, since there is no language in the foregoing statute to limit the application of the provision to resident veterans or the local V.A. offices.

As ruled upon previously by this office in opinion No. 4973 dated Jan. 3, 1947, the provisions of § 35-416 and the provisions of § 66-1507, when taken together indicate that the Legislature intended that when copies of any documents on file in any public office were needed by a veteran to enable him to qualify for benefits available through the Veterans Administration that such copies were to be furnished the veteran, his representative or the Veterans Administration in such quantities as are necessary for the purpose, without charge.

All requests for free copies of documents should be accompanied by a certification as to the purpose for which the documents are obtained.