

**OPINION  
45-78**

July 12, 1945           (OPINION)

DEATH CERTIFICATES

RE:   Issued and Filed Upon What Authority

This will acknowledge your letter of July 9, in which you state that a question has arisen with reference to the interpretation of chapter 194 of the North Dakota Session Laws of 1945. You state that you have recently received two certified copies of telegrams, certified by C. H. Beitzel, Superintendent of the Fort Berthold Indian Agency, and you want to know whether, under the terms of chapter 194 of the Session Laws of 1945, any person other than the North Dakota Veterans' Service Commissioner or an authorized employee of the Veterans' Administration, may certify copies of original letters or telegrams for the purpose of placing death certificates of deceased veterans on file in the office of the state registrar of vital statistics.

Chapter 194 of the 1945 Session Laws says:

"The state registrar of vital statistics shall upon request issue and file death certificates in cases of deceased veterans upon receipt of the original notice of death furnished by the War Department, or a copy of such notice certified by the Veterans' Service Commissioner or the Veterans' Administration, and upon receipt of such additional prerequisites provided in chapter 23-02 of the North Dakota Revised Code of 1943."

It would appear from the above quoted statute that the state registrar of vital statistics is the only one authorized to issue and file death certificates in cases of deceased veterans upon receipt of the original notice of death furnished by the War Department or upon a copy of such notice certified by the Veterans' Service Commissioner or the Veterans' Administration, and upon the receipt of such additional evidence as may be available from other sources. It would seem clear that the original notice from the War Department or a certified copy thereof, certified to by either the Veterans' Service Commissioner or the Veterans' Administration, are prerequisite to the issuance and the filing of death certificates in cases of deceased veterans. The department is not authorized to issue and file such death certificates unless it has its disposal the original notice of the War Department, or a copy of such notice, certified to by these two specifically designated agencies. These sources of information are the primary evidence for the issuance of death certificates of deceased veterans by the state registrar of vital statistics. It, therefore, follows that you department is not authorized to file death certificates of deceased veterans, unless they are based on the original notice from the War Department, or upon a certified copy of the notice from the War Department, certified to by either Veterans' Service Commissioner or the Veterans' Administration. Supplemental evidence of death may be filed, if available from other sources.

It is, therefore, the opinion of this office that you are not

authorized to issue and file death certificates of deceased veterans upon the copies of the telegrams certified to by C. H. Beitzel, Superintendent of the Fort Berthold Indian Agency.

NELS G. JOHNSON

Attorney General