

**OPINION  
49-196**

April 30, 1949 (OPINION)

VETERANS

RE: Certified Copies

This office is in receipt of your letter of April 28 relative to certified copies of discharge certificates for veterans of World War II.

In an opinion written by our Mr. Brace under date of April 18, 1949, he said:

"It is the opinion of this office that these two acts which are now sections 37-0136 and 37-0134 respectively, are not in conflict and are both in full force and effect. Therefore, it is our opinion that a veteran, when the law requires him in the furtherance of any right he may have by virtue of his military service to furnish a certified copy of any document in the office of the register of deeds or any other state or county office of record, is entitled to receive this copy without compensation."

Sections 37-0134 and 37-0136 are found in the 1947 Supplement to the North Dakota Revised Code of 1943. Section 37-0136 provides:

"If a copy of any public record is required by any veterans, or his guardian, dependent, or representative in connection with any application for benefits made available by Federal or State Laws, the official charged with the custody of such public record, without charge, shall provide a certified copy of such record upon request."

You will note that a veteran is entitled to a free copy of any public record required in connection with an application for benefits made available by the Federal or State Laws. A veteran will need a certified copy of his discharge papers to be filed with his application for the adjusted compensation provided by Senate Bill No. 1 enacted by the recent Legislative Session, and he is entitled to receive such a certified copy without charge.

The intent of the law is that where a benefit is made available for a veteran of World War II and a certified copy is needed, he is entitled to one certified copy for this particular benefit and no more, but he is entitled to a free certified copy for any one benefit created for his purpose. The fact that a veteran may have received a certified copy of his discharge papers in connection with another and different benefit does not preclude him from obtaining a free copy for another and different benefit, but he is entitled to only one certified copy for each specific benefit.

The mention of the register of deeds in Mr. Brace's letter of April 18 was an error since all veterans' discharge papers are filed in the office of the clerk of the district court.

If, however, a certified copy of any public record is any other county office is required by any veteran of his guardian, dependent, or representative in connection with an application for a benefit made available under the Federal or State Laws is on file and on record in another county office, such as register of deeds, then the veteran would be entitled to one certified copy from said office.

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