



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

January 11, 1978

ATTORNEY GENERAL OPINION NO. 78- 15

The Honorable Elwill M. Shanahan
Secretary of State
2nd Floor - State Capitol Building
Topeka, Kansas 66612

Re: Secretary of State--Records--Disposition

Synopsis: There being no requirement that cancelled bonds of the former State Building Commission be filed with the Secretary of State, that officer may make such disposition thereof as is deemed appropriate.

* * *

Dear Secretary Shanahan:

You advise that some time ago, you received from the Division of Architectural Services the cancelled bonds of the former State Building Commission. You indicate that you find no specific statutory authority for filing the cancelled bonds with your office, and you request my advice what disposition you should make of the bonds.

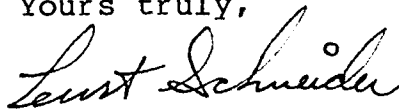
K.S.A. 75-402 states in pertinent part thus:

"The secretary of state shall have the custody of all books, records, maps, papers and other articles and effects belonging to the state, which from time to time are required to be deposited and kept in his or her office; and the secretary of state shall make such provisions for their arrangement and preservation as may be necessary."

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There appearing to be no statutory requirement that the cancelled bonds in question be filed with your office, I find no legal basis for concluding that you are the statutory custodian of the cancelled bonds. Thus, there being no legal requirement for you to retain official custody of the bonds, you may make such disposition thereof as you may deem appropriate. I suggest that you offer them, in the first instance, to the State Historical Society, for their determination whether the bonds have any historical value warranting retention in the state archives.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj