



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 4, 1977

ATTORNEY GENERAL OPINION NO. 77- 77

Mr. Thomas C. Lysaught
County Counselor
511 Huron Building
Kansas City, Kansas 66101

Re: Counties--Records--Destruction

Synopsis: K.S.A. 58-320 requires the destruction of records enumerated therein by burning thereof in the presence of the county commissioners, and there appears no basis upon which to sanction any other method of destruction as an officially permissible practice.

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Dear Mr. Lysaught:

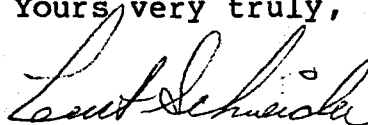
K.S.A. 58-320 provides for the destruction of certain instruments and records "by burning the same in the presence of the county commissioners. . . ." The question is raised as to the disposition of these records in Wyandotte County, which now disposes of its waste paper by recycling and not by incineration.

Like you, I find no other statutory provision which provides for the disposal of records by recycling. I also agree with you that the obvious purpose of the statute, to assure complete destruction of the records, might be equally served by recycling as by "burning . . . in the presence of the county commissioners. . . ." Unfortunately, the statute is very explicit as to the permissible method of destruction, and we have no basis upon which to advise you and Mr. Groneman to dispose of the records other than by the prescribed burning. The statute is obviously obsolete, and the

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ceremonial burning seems little more than quaint. Unfortunately, it is the mandated and prescribed mode of destruction, and purely as a matter of statutory construction, despite the probable neglect of this statute in many recent years, we find no basis upon which to sanction any other method of destruction as an officially permissible practice.

Yours very truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj