

## No. 407

**OFFICES AND OFFICERS—BOARDS—COMMISSIONS—  
RECORDS, destruction of**

**Held: No state office, board or commission may destroy any claim, warrant, voucher, bond or treasurer's general receipt.**

April 21, 1942.

Mr. C. E. Pew, Member  
Veterans' Welfare Commission  
314 Fuller Avenue  
Helena, Montana

Dear Mr. Pew:

You have advised me you are shortly resigning as a member of the Veterans' Welfare Commission and are desirous of closing the records of the commission and disposing of those records not essential to preserve. You request my opinion whether you have authority to destroy accumulated vouchers.

You advise me in your letter your records have annually been audited in the manner provided by law, and will be given a final audit before your resignation. You further advise the commission has book records of all payments, the Auditor's office has records of the issuance of the warrants to the Commission, and the State Examiner presumably has a record of all examinations; your minute book contains a list, from the beginning, of all vouchers issued and the amounts.

Chapter 92, Laws of 1935, now Sections 455.1, 455.2, 455.3 and 455.4, Revised Codes of Montana, 1935, is pertinent to your inquiry.

Section 455.1 provides as follows:

"Any state office, board or commission may destroy old worthless reports, papers, or records in his or their office that have served their purpose and that are substantiated by permanent records, upon the order of the state board of examiners and with the approval of the state examiner."

Section 455.2 authorizes destruction by county officers, and Section 455.3, destruction by city and town officers. Then Section 455.4 provides:

"Provided, however, that under no circumstances, shall any claim, warrant, voucher, bond or treasurer's general receipt be destroyed by any state, county, city or town officer."

It is obvious the purpose of these provisions was to authorize state offices, boards and commissions and city and town officers to destroy old worthless reports and records which have served their purpose and are substantiated by permanent records. However, by Section 455.4, the legislature has specifically provided certain exceptions and has used very plain language when it said, "Under no circumstances, shall any claim, warrant, voucher, bond or treasurer's general receipt be destroyed . . ."

The Veteran's Welfare Commission was created by act of the legislature, Section 5660, Revised Codes of Montana, 1935, and is therefore a state commission affected by the provisions of Section 455.1 and 455.4, Revised Codes of Montana, 1935.

It is therefore my opinion vouchers of the Veterans' Welfare Commission, regardless of the fact permanent records thereof have been made, may not be destroyed.

Sincerely yours,

JOHN W. BONNER  
Attorney General