

SCHOOLS - : Board of Regents may use
discretion in preserving
STATE TEACHERS COLLEGES: or destroying vouchers, checks,
warrants, bills etc.

May 14, 1941

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Mr. Uel W. Lamkin
President
State Teachers College
Maryville, Missouri



Dear Sir:

We are in receipt of your request for an opinion,
dated April 29, 1941, which reads as follows:

"Here at this college we have kept
all of the vouchers, checks, warrants,
bills, etc. that have passed through
the business office since the establish-
ment of this institution some thirty-
five years ago.

"It was my impression that we had to have
an order from the State Legislature to
destroy any of these papers, which order
has never come through.

"An examination of the statutes, however,
seem to me to provide that they shall
be preserved for a period of four years.

"These papers are beginning to be a bur-
den on our storage capacity. Have we
authority to destroy all of them that
are more than four years old?"

Article 20, of Chapter 72, Revised Statutes of
Missouri, 1939, among other things sets forth the method
of appointing a Board of Regents, and Section 10760 of
said Article provides as follows:

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"Each state teachers college shall be under the general control and management of its board of regents, and the board shall possess full power and authority to adopt all needful rules and regulations for the guidance and supervision of the conduct of all students while enrolled as such; to enforce obedience to the rules; to invest the faculty with the power to suspend, or expel any student for disobedience to the rules, or for any contumacy, insubordination, dishonesty, drunkenness or immoral conduct; to appoint and dismiss all officers and teachers; to direct the course of instruction; to designate the textbooks to be used; to direct what reports shall be made; to appoint a treasurer for such college, and to determine the amount of his bond, which shall be in amount not less than ten thousand dollars; and to have the entire management of the college, including qualifications for admission."

We do not find any particular statute or law which specifically provides that any vouchers, checks, warrants, or bills etc., should be destroyed. The reason for the absence of any such statute is probably that it is always a question of fact and discretion as to when a voucher, check, warrant or bill (as referred to in your letter) will cease to be of use to the State Teachers College or other persons who have business transactions with said college.

Therefore, in view of the fact that there has been a specific method set up for the control and management of the several teachers colleges of the State of Missouri through a Board of Regents, and, in view of the

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fact that the Board of Regents have the broad powers as set forth in Sections 10760 and 10761, and subsequent sections, the legislature must undoubtedly have intended that the Board, in its discretion should determine how long vouchers, checks, warrants and bills should be preserved as records in any particular teachers college.

In the case of State v. Board of Regents, 264 S. W. 698, 1. c. 700, the court held:

"While the board, in a sense, represents the state in the performance of its duties, it is but one of the many necessary instrumentalities through which the former is enabled to act within the scope of the powers conferred by law. These powers embody no attributes of sovereignty which would entitle them to be designated as the state's alter ego. While in a sense the board is an agent of the state with defined powers, the importance of its duties with their attendant responsibilities, is such as to necessarily clothe the board with a reasonable discretion in the exercise of same. * * * "

CONCLUSION.

Therefore, we are of the opinion that all vouchers, checks, warrants and bills shall be preserved by the several teachers colleges in the state of Missouri only so long as the Board of Regents shall, in its discretion, find it expedient to preserve such records, keeping in mind the legal effect of such vouchers, checks, warrants or bills, and the extent of time of their usefulness to such teachers college.

APPROVED:

Respectfully submitted,

B. RICHARDS CREECH
Assistant Attorney General

VANE C. THURLO
(Acting) Attorney General

BRC:RW