

and deposit for preservation and * * * records * * * not in current use in his office, * * *."

Article 41, Section 178, supra, in part, provides:

"If the Commission shall decline to accept any * * * records * * * offered to it under the provisions of Section 177, then the custodian thereof, with the written approval of The Board of Public Works, is authorized to destroy same. * * *"

It should be noted that if you refuse to accept any records offered to your Commission, your responsibility ends in regard to those records and what the custodian thereafter does with them is his concern.

It would seem that the purposes for the foregoing provisions are twofold. One purpose was to preserve valuable records and the other purpose was to preserve valuable storage space which is being used by nonvaluable records. I do not personally feel that the Legislature was particularly concerned how the nonvaluable records were destroyed. The word "destroy" has been defined by the courts to mean "to render useless an object for its intended purpose"; "to cause to be put out of existence" and "to cause to vanish". See *Leonardi v. Furman*, 316 P. 2d 487, 83 Ariz. 61 and *State v. Wolkoff*, 85 N.W. 2d 401 250 Minn. 504.

It is my opinion that the giving away of nonvaluable records "destroys" these records and therefore I feel that the custodian would then have the right to so "destroy" them.

Very truly yours,

Gerard Wm. Wittstadt

Assistant Attorney General