



STATE OF KANSAS

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March 20, 1979

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ATTORNEY GENERAL OPINION NO. 79- 34

Mr. Thomas W. Stockwell
City Attorney
United Kansas Bank & Trust Building
Suite 302
Highway 50 at Antioch
Merriam, Kansas 66202

Re: Banks and Banking Code--Deposit of Public
Moneys--Designation of Depositories for
Municipal and Quasi-Municipal Funds

Synopsis: A city of the second class may designate a state
or national bank or trust company located outside
said city, but within a county in which all or
part of such city is located, as an official
depository of its funds.

* * *

Dear Mr. Stockwell:

You request our opinion as to whether the City of Merriam
may go outside its city boundaries, but still within Johnson
County, Kansas, in naming an official depository or co-
depository.

K.S.A. 9-1401 provides, in part, as follows:

"The state and national banks and trust
companies of the county or counties in
which all or part of such municipal or
quasi-municipal corporation is located
shall be designated as official depositories
if the municipal or quasi-municipal corpora-
tion can obtain satisfactory security therefor."

Mr. Thomas W. Stockwell
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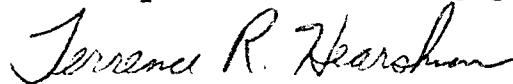
In accordance with the above statute, it is our opinion that the City of Merriam may designate a state or national bank or trust company located outside said city, but within Johnson County (the county in which the City of Merriam is located), Kansas, as an official depository for its funds.

This opinion should not be interpreted as permitting a city to invest "idle funds" in banks or trust companies located outside said city, except under those circumstances set forth in K.S.A. 1978 Supp. 12-1675.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS:BJS:TRH:gk