



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

September 14, 1982

MAIN PHONE (913) 296-2215  
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 82- 202

The Honorable Joan Finney, Chairman  
Pooled Money Investment Board  
P. O. Box 2608  
Topeka, Kansas 66601

Re: State Departments; Public Officers, Employees --  
State Moneys -- Custodial Accounts

Synopsis: Moneys in the Kansas Fish and Game Commission  
Mined-Land Donation Fund are required to be de-  
posited in custodial state bank accounts. Cited  
herein: K.S.A. 1981 Supp. 75-4201 (as amended by  
L. 1982, ch. 362, §1), K.S.A. 75-4213.

\*

\*

\*

Dear Mrs. Finney:

You request our interpretation of the State Moneys Law, K.S.A. 1981 Supp. 75-4201 et seq., and amendments thereto. Specifically, you ask whether moneys in the Kansas Fish and Game Commission Mined-Land Donation Fund are required to be deposited in "custodial accounts."

The terms "state moneys," "custodial moneys" and "custodial account" are defined as follows in K.S.A. 1981 Supp. 75-4201 (as amended by L. 1982, ch. 362, §1):

"As used in this act, unless the context otherwise requires:

. . . .

"(e) 'State moneys' means all moneys in the treasury of the state or coming lawfully into the possession of the treasurer.

Joan Finney  
Page Two

"(f) 'Custodial moneys' means state moneys deposited with the treasurer which, in the written opinion of the attorney general, are required by contract, bequest or law to be segregated from other bank accounts.

. . . .

"(1) 'Custodial account' means a state bank account of custodial moneys."

K.S.A. 75-4213 provides for the establishment of custodial accounts by the Pooled Money Investment Board, and also provides, in part, as follows:

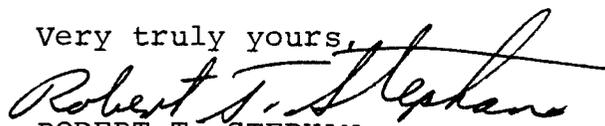
"Whenever it shall appear to the board that certain moneys may be required to be deposited in custodial accounts, the chairman shall request the opinion of the attorney general, who shall render his or her opinion thereon within two (2) weeks."

Under the above-quoted provisions of the State Moneys Law, it is clear that state moneys which are required by contract to be segregated from other bank accounts constitute "custodial moneys." In this regard, you have provided a copy of a certain real estate donation agreement entered into by and between Gulf Oil Corporation, The Pittsburg and Midway Coal Mining Company, and the State of Kansas (Fish and Game Commission), whereby a total of \$250,000 will be donated to the Fish and Game Commission Mined-Land Donation Fund by the Pittsburg and Midway Coal Mining Company. Said donation agreement includes the following provision relating to donated moneys:

"It is further agreed that moneys received by the Commission, hereunder, and deposited with the state treasurer, shall be segregated from other bank accounts."

This contractual provision, which requires segregation of the donated moneys from other bank accounts, is dispositive of the question which has been posed, and it is our opinion that moneys in the Kansas Fish and Game Commission Mined-Land Donation Fund are required to be deposited in custodial accounts.

Very truly yours,



ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS



Terrence R. Hearshman  
Assistant Attorney General