



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 8, 1977

ATTORNEY GENERAL OPINION NO. 77- 84

Mrs. Lorene Wells
Chief Clerk of District Court
Shawnee County Courthouse
Topeka, Kansas 66603

Re: Courts--Funds--Investment

Synopsis: K.S.A. 1976 Supp. 20-350(c) authorizes the investment of idle funds, i.e., moneys on deposit in the district court account which are not immediately required for the purposes for which the moneys were collected, only in time deposit, open accounts and certificates of deposit. Deposit of such moneys in savings accounts, including passbook savings accounts, is not authorized by law.

* * *

Dear Mrs. Wells:

K.S.A. 1976 Supp. 20-350(c) provides in pertinent part thus:

"The administrative judge is authorized and empowered to invest any moneys on deposit in the district court account, which are not immediately required for the purposes for which the moneys were collected or received, in (a) time deposits, open accounts, or certificates of deposit, for periods not to exceed six (6) months, in commercial banks or trust companies located in such county Interest received from the investment of such moneys shall be paid to the county treasurer of such county who shall deposit the same in the county general fund."

Mrs. Lorene Wells
Page Two
March 8, 1977

You advise that funds are now invested, under the authority of this statute, in 30-day time deposits. However, in many instances it is necessary that the funds be withdrawn prior to the expiration of the 30-day period. Thus, the question is raised whether funds which are not immediately required for the purpose for which they were received, but which may be needed to be disbursed prior to the expiration of 30 days, may be deposited in a passbook savings account, as to which deposits and withdrawals could be made daily.

K.S.A. 1976 Supp. 20-350(c), supra, is the only existing statutory authority for the investment of idle funds, i.e., moneys in deposit in the district court account which are not immediately required for the purposes for which they were collected or received. It authorizes the investment of such moneys only in time deposit, open accounts and certificates of deposit. Initially, when this question was first presented to my staff, it was believed that the investment of moneys in savings accounts might lie within the general administrative authority of the court. However, upon further review, it appears that the legislature has specifically addressed the matter of investment of idle funds, as defined above, and has not authorized any investments other than those recited above. Thus, I must conclude that the proposed use of a savings account for the deposit and investment of such moneys falls beyond those investments which are authorized by law, and thus may not be permitted, until appropriate statutory amendments are enacted.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj