

## Chapter 295

### Depositories of Public Funds and Securities

295.005 to 295.175

#### NOTES OF DECISIONS

##### I. Under former similar statute

Under a former similar statute, the purpose of the statute was to divert into the public exchequer moneys in the way of interest that had theretofore flowed into private reservoirs. *State v. Siemens*, (1913) 68 Or 1, 133 P 1173.

The sureties' liability under the former statute where funds of a district were mingled with the indemnified county funds, was limited to the amount of the county funds. *State v. Crook County Bank*, (1922) 104 Or 495, 208 P 749.

Where a bank receiving public funds took no steps to qualify as a depository, the depositing officer was not relieved of personal liability under a former similar statute. *State v. Claypool*, (1934) 145 Or 615, 28 P2d 882.

The contract created by the act of making the deposit and the acceptance thereof by the bank was subject to the law existing at the time the deposit was made. *Grants Pass & Josephine Bank v. City of Grants Pass*, (1934) 145 Or 624, 28 P2d 879.

The terms, conditions and obligations arising from a deposit of public funds could be prescribed by the state, although a bank could not be compelled to accept the funds. *Id.*

Before the 1937 amendment, the provision as to the payment of interest by depositories was mandatory, and had to be complied with by the depository and by the municipality whenever a deposit of the public funds was made. *Id.*

**FURTHER CITATIONS:** *Southern Ore. Co. v. Gage*, (1921) 100 Or 424, 197 P 276.

**ATTY. GEN. OPINIONS:** Authority of county court to make an order directing the county treasurer to accept bonds held on deposit as security for county funds on deposit in a county depository in satisfaction for such funds, 1932-34, p 322; authority of county treasurer to accept county warrants held as security for the deposit of the county sinking fund in lieu of such deposits and thus relieve the depository from further liability, 1932-34, p 497; authority of board of higher education to reduce amount of securities required of a depository under the state law, 1932-34, p 637; necessity for board of higher education to fix cash working funds, 1934-36, p 168; sufficiency of proposed qualified delivery of securities in connection with application of United States National Bank of Portland to have its branch at Eugene designated as a depository of county funds, 1934-36, p 408; deposit of various funds of cities and counties in a single account, 1936-38, p 90; federal deposit insurance, 1936-38, p 91, 1940-42, p 325; depositing for safekeeping securities pledged by local bank to secure public fund deposits in out-of-state bank, 1940-42, p 222; savings and loan association as a bank or proper depository for county funds, 1940-42, p 325; construing the term "combined capital and surplus of each depository" in regard to combined capital and surplus of all branch banks of a central bank operating

under one system throughout the state, in considering the eligibility of a branch bank as a "local depository," 1944-46, p 102; applicability of this section to a school district clerk, 1946-48, p 442; out-of-state bank's ability to be a "custodian bank," 1948-50, p 130; State Treasurer as only custodian of bonds and securities of the revolving fund of the State Forester, 1948-50, p 273; personal liability of agent who collects fees, 1956-58, p 98; federal deposit insurance and state funds in banks, 1956-58, p 114; authority of school district board and clerk to select depository, 1960-62, p 115; local depositories qualifying for preference, 1960-62, p 156; savings and loan association as depository for funds of soil conservation district, 1960-62, p 344; short-term investment of school funds, 1960-62, p 411; branch bank qualifications as depository, 1960-62, p 417; safekeeping the "cash working fund," 1962-64, p 24; applicability to savings and loan associations, 1962-64, p 197.

259.005

**ATTY. GEN. OPINIONS:** Deposit of securities in banks located in another state, 1950-52, p 222; receiving and investing funds paid on state-owned mortgages, 1964-66, p 274.

295.015

**ATTY. GEN. OPINIONS:** Duty of State Treasurer as to demanding payment of time certificate and interest, when security becomes impaired, 1928-30, p 303.

295.025

**ATTY. GEN. OPINIONS:** Statute as not inhibiting or interfering with requiring security from banks in which funds are placed, 1934-36, p 41; deposit of taxes in a bank at interest, crediting interest earned, 1966-68, p 123; proper handling of proceeds of sales of county lands, 1966-68, p 324; owner of interest earned by deposit in condemnation proceedings, (1970) Vol 35, p 286.

295.080

**ATTY. GEN. OPINIONS:** Use of interest earned for general purposes, 1966-68, p 419.

295.085

**ATTY. GEN. OPINIONS:** Authority of State Treasurer to accept surety bonds as security for deposits, 1930-32, p 269.

295.115

**ATTY. GEN. OPINIONS:** Depositing or investment by Corporation Commissioner of suspense funds of insolvent building and loan associations, 1932-34, p 200; authority of State Treasurer to enter into agreement with depository of state funds, 1958-60, p 212; receiving and investing funds paid on state-owned mortgages, 1964-66, p 274.

**295.125**

CASE CITATIONS: State ex rel. Sprague v. Straub, (1965) 240 Or 272, 400 P2d 229, 401 P2d 29.

ATTY. GEN. OPINIONS: Prorating among various funds by State Treasurer of interest earned by funds of state deposited in depositories as unlawful, 1920-22, p 502; crediting interest on invested funds, 1964-66, p 31; authorized investments for Oregon War Veterans' Fund, 1964-66, p 119; disposition of interest earned on certain constitutional and statutory funds, 1964-66, p 179; receiving and investing

funds paid on state-owned mortgages, crediting interest earned by escrowed funds paid on state-owned mortgages, 1964-66, p 274.

**295.135**

ATTY. GEN. OPINIONS: Number of banks which may be designated as state depositories, 1930-32, p 269; deposit by State Treasurer of state funds for which no interest can be obtained, 1934-36, p 41; duty and compensation of active depository, 1934-36, p 272; crediting interest on invested funds, 1964-66, p 31.