

**Opinion No. 524**  
**Building and Loan Associations—In-**  
**vestments—Home Owners'**  
**Loan Bonds.**

HELD: Section 12, Chapter 57, Laws of 1927, is a definite limitation and provides that not exceeding ten per cent of the assets of a building and loan association may be invested in "such other bonds and securities as may be approved by the Superintendent of Banks."

Chapter 5, Laws of the Extraordinary Session, 1933, does not remove such limitation but merely declares the confidence and approval of the Legislature in bonds of the Home Owners' Loan Corporation and authorizes investment therein by the persons, associations and corporations named.

May 2, 1934.

You have requested my opinion whether a building and loan association may invest in bonds of the Home Owners Loan Corporation in excess ten per centum (10%) of the association's assets.

Section 12 of Chapter 57, Laws of 1927, provides: "Every building and loan association \* \* \* has power: (15) To invest the money of the association in: (c) Not to exceed ten percent (10%) of the association assets in such other bonds and securities as may be approved by the superintendent of banks." This section constitutes a definite limitation on the amount of the assets of an association which may be loaned on other bonds and securities.

Chapter 5, Section 1, Laws of the Extraordinary Session, 1933-1934, provides:

"Notwithstanding any other provision of law, it shall be lawful for any insurance company, building and loan association, or for any bank, trust company or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary to invest their funds or the moneys in their custody or possession eligible for investment, in the bonds of the 'Home Owners' Loan Corporation'."

It is my opinion that the intent and purpose of the last named section was to declare the confidence and approval of the Legislature in bonds of the Home Owners' Loan Corporation and to authorize the persons, associations and corporations named therein to invest in such bonds. The object of this section, in my opinion, was not to remove the limitation as to the amount of the assets of the association which may be invested in such bonds, but merely to declare that such bonds are proper for investment purposes within the ten percent (10%) limit. The two Acts are not contradictory or repugnant. They cover different subject matters and may be harmonized. The later Act, therefore, does not, by implication, repeal the former. For authorities, see: *State v. Bowker*, 63 Mont. 1, 205 Pac. 961; 59 C. J. 909, sections 511, 513, et seq.