has more than one of such funds it may be placed entirely in any one of them, or deposited among such various named funds, in the discretion of the school corporation. If the legislature intended any further limitation it has not made the same evident by the language used.

5. In answer to your fifth question, if the creditor corporation decides to use Option II in making such computation of transfer costs, such transfer costs should be computed for the complete school year 1952-1953. My opinion in this respect is based upon the fact that such portion of the statute requires it to "compute the annual per capita costs from the average daily attendance and the total expenditures *of the current school year.*" My answer to your fifth question is further influenced by the fact that such computation is to be made "on or before the thirty-first of July of each year." At that time the school year will have ended and no provision is made in the law for separating into various portions the school year's expenditures. Any attempt to make a computation under Option I for that part of the year from the beginning of the school year to the effective date of the foregoing amendment, and thereafter computing the remainder of the school year under Option II of the amendment, would require adding terms to the statute which the legislature has not seen fit to provide. Since Option II is new legislation which requires the computation to be made on the expenses of the "current school year," I am of the opinion any such computation of transfer costs made under Option II of the act should be computed for the complete school year of 1952-1953.

OFFICIAL OPINION NO. 41

June 2, 1953.

Mr. Joe McCord, Director,
Department of Financial Institutions,
410 State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of May 1, 1953, has been received requesting an official opinion on the following questions:

"Does a building and loan association operating under the laws of the State of Indiana have the power or authority to operate a safety deposit business?

"In the event you decide that a building and loan association has no power or authority to engage in such business, will you include in your opinion the answer to the following question:

"May a building and loan association operating under the laws of the State of Indiana and owning safety deposit box equipment lease such equipment to an individual or a partnership for operation by the lessee?"

The statute governing the answers to your questions is Chapter 40 of the Acts of 1933, as amended, same being Section 18-101 *et seq.*, Burns' Indiana Statutes Annotated (1950 Repl.). Section 3 of said act, as amended, same being Section 18-103, Burns' Indiana Statutes Annotated (1950 Repl.), contains the definitions for said statute and under clause (a) thereof provides:

"The term 'financial institution' means any bank and/or trust company, building and loan association or credit union organized or reorganized under the provisions of this act; any bank of discount and deposit, private bank, and loan and trust and safe deposit company, trust company, building and loan association, rural loan and savings association, guaranty loan and savings association, mortgagee guarantee company or credit union organized under the provisions of any law enacted prior to the passage of this act; and any savings bank or small loan company heretofore or hereafter organized under the provisions of any law of this state."

It is, therefore, to be readily seen that the operation of safety deposit business is governed by said statute.

Section 18-402, Burns' Indiana Statutes Annotated (1950 Repl.), being a part of said act, further provides:

"Any bank or trust company, or any building and loan association, incorporated as such under the provi-

> sions of this act, and its successors, shall have the rights and powers, shall be entitled to the privileges and shall be subject to the duties, obligations and liabilities as prescribed in this act."

From the foregoing it is clear that if a building and loan association is to enjoy the privilege of operating a safety deposit business, it must be granted such right under some specific provision of said statute. An examination of the various sections in said statute do not show any such authority given. The only section of the statute giving authority to operate a safety deposit business is contained in Section 18-1111, which limits such authority to "any bank or trust company." I fail to find any separate or special statute which would give a building and loan association authority to engage in such safety deposit business.

From the foregoing, I am of the opinion that building and loan associations operating under the laws of the State of Indiana do not have the power or authority to operate a safety deposit business.

In answer to your second question it is submitted that the foregoing is equally applicable thereto.

While a building and loan association owning equipment capable of being used for the purpose of carrying on a safety deposit business, could not itself engage in such business, I would see no reason why it could not lease its equipment. However, this is subject to the qualification that any person so leasing such equipment would have to be a licensed bank or trust company. If it utilized such equipment at some point other than its principal office of doing business, such bank or trust company would have to meet the requirements of establishing a branch bank at such a location in conformity with the various requirements of said statute and it is specifically provided that additional fees are required if such separate branch is operating a safety deposit business by Section 18-233, Burns' Indiana Statutes Annotated (1950 Repl.).

It is further to be observed that any such lease arrangement must be a *bona fide* one in which only the lessee has anything to do with the operation of such business as the building and

loan association could not by any subterfuge circumvent the operation of the statute by engaging in such business under the name of some other licensee.

OFFICIAL OPINION NO. 42

June 8, 1953.

Mr. Harold F. Brigham,
Indiana State Library,
140 N. Senate Avenue,
Indianapolis, Indiana.

Dear Mr. Brigham:

I have your letter of May 4, 1953 requesting an official opinion which reads in part as follows:

> "What laws were specifically repealed by Chapter 13 of the Acts of 1953 (House Enrolled Act No. 111) when in Section 7 is stated:
>
> " 'All laws in conflict herewith are hereby specifically repealed including but not limited to an act known as Chapter 132 of the Acts of the Sixty-Seventh Regular Session of the General Assembly entitled "An Act providing for the extension of library privileges to townships." '
>
> "The Act under which New Harmony proposes to extend service to the township is Chapter 119, Acts of 1895. Is this act in conflict with Chapter 13 of the Acts of 1953, Section 7?
>
> "1.
>
> "Where a library in an incorporated town having endowment funds in the total amount of at least $5,000 created prior to passage of the Library Law of 1947 (Acts 1947, Ch. 321) and was organized under a special act of the Indiana General Assembly, which authorized no tax levies for its support, and such library has and is authorized by its Charter to serve an entire township and neither said township nor said town is otherwise served by a library nor taxed for the support thereof: