Hon. Frank A. Lenning  
Secretary of State  
201 State House  
Indianapolis 4, Indiana

Dear Mr. Lenning:

You have asked for my Official Opinion concerning extradition fees. Your request is in part as follows:

“For many years the office of Secretary of State has charged a fee of $3.00 for processing each extradition warrant received from other states, which revenue has been put in the state’s general fund as shown on the examination reports of the State Board of Accounts for previous fiscal years.

“Your Official Opinion is hereby respectfully requested outlining the authority of this office to charge the $3.00 extradition fee in question, in order that our procedure in the matter will be substantiated.”

The answer to your question is that there is no statutory authority for collecting the fee you refer to. There is a statute specifically stating that such a fee may not be charged. I refer to Acts of 1895, Ch. 145, Sec. 3, as found in Burns’ (1951 Repl.), Section 49-1201. This statute is in part as follows:

“The secretary of state, provided that no fees shall be charged against the United States, or this, or any other state, or any county of this state, nor against any officer of either of them, for any attestation, certificate or paper required by them for official use, shall be authorized to charge and collect on behalf of the state of Indiana, the following fees, to be paid by the parties requiring the service: * * *.”

The omitted part of the above statute outlines specific fees to be charged for specific services, none of which encompass extradition matters.

Please note that the above-quoted statute specifically provides that you may not charge the United States, any other
state, or any county of this state for a paper required by them for official use. Extradition papers clearly and specifically fall within the negative proviso of this statute.

The only other fees that your office is, by statute, required or allowed to collect are those concerning corporations as contained in the Corporation Fee Act, Acts of 1957, Ch. 230, Secs. 1 through 7, as found in Burns' (1957 Supp.), Sections 25-601 to 25-606. There is no provision in this act for the collection of an extradition fee.

Since you are specifically prohibited by statute from collecting this type of fee and are nowhere authorized by statute to collect such fee, I conclude that you have no authority to do so.

OFFICIAL OPINION NO. 32

May 15, 1958

Hon. Robert H. Berning
State Representative
506 Dime Bank Building
Fort Wayne 2, Indiana

Dear Representative Berning:

This is in response to your request for an Official Opinion interpreting a portion of Section 6 of the Acts of 1941, Ch. 146, entitled "AN ACT concerning the adoption of persons," as amended and set out in Burns' (1946 Repl.), Section 3-120, to-wit:

“If such child have parent or parents living, he, she or they shall consent in writing to such adoption. The minority of any parent shall not in or of itself be a bar to such consent: Provided, however, That if either parent be a minor, consent of such parent must be accompanied by the written approval of the investigating agency aforesaid if any there be and if none, of the state department of public welfare. * * *”

Your letter says, in part:

“The interpretation which the Allen County Department of Public Welfare has placed on this particular