Statutes of 1926, is limited to actions of persons having or claiming a money demand against the State of Indiana, arising, at law or in equity, out of contract, express or implied. Hence, my answer to your first question is in the negative.

The answer to question 2 is necessarily the same as the answer to question 1.

SECRETARY OF STATE: Construction of Section 2 of Chapter 127 of the Acts of 1933, an act concerning corporations.

April 26, 1933.

Hon. Frank Mayr, Jr.,
Secretary of State,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of April 25, 1933, in which you request an official opinion with reference to the construction of Section 2 of Chapter 127 of the Acts of 1933.

Chapter 127, supra, is entitled:

"An Act concerning corporations for profit and providing a method of canceling the articles and revoking the rights of such corporations for failure to submit annual reports and making an appropriation therefor."

Section 1 of the act provides in substance that if the annual report of any corporation for profit is not filed in the office of the Secretary of State for a period of two full years, the Secretary of State is required to send a notice by registered mail to the officer of such corporation who signed the last annual report submitted by such corporation, stating in said notice that if the report of such corporation accompanied by the required fees is not submitted to the Secretary of State within thirty (30) days after the date on which the notice is mailed, that he, the Secretary of State, will certify that fact to the Attorney General and that thereupon the Attorney General will proceed to bring an action for the forfeiture of the articles of incorporation of such corporation and the revocation of its right to transact business in the state. Section 1 further provides that if such report is not filed as required by the above notice, the Secretary of State shall certify that
fact to the Attorney General who shall forthwith file a suit for the revocation of the charter of the corporation.

Section 2 provides as follows:

"The attorney general is hereby authorized to enforce the provisions of this act and for that purpose a sufficient sum of money is hereby appropriated annually out of any money received by the secretary of state as fees for the incorporation and for filing the annual reports of corporations for profit."

You submit the following question:

"Does section 2 of said act cover all necessary expenses incurred or to be incurred in the enforcement of said act whether originating in the office of the Secretary of State or of the Attorney General?"

In my opinion the above question should be answered in the affirmative. The language "for that purpose a sufficient sum of money is hereby appropriated annually" in my opinion clearly refers to the enforcement of the provisions of the act. The initial steps in the enforcement of the act begin in the office of the Secretary of State, without which steps being performed the Attorney General is powerless to act. If the language of Section 2 had been "for the purpose of enforcing the provisions of this act a sufficient sum is hereby appropriated annually," no question would ever have arisen as to whether the appropriation was intended to cover the necessary expenses incurred in both the office of the Attorney General and the office of the Secretary of State and yet that is precisely what Section 2 says using a different form. The grant of authority to the Attorney General in the opening phrase of the section, in my opinion, should not be held to control and limit the meaning of the language "for that purpose" to the enforcement performed by the Attorney General in view of the broad language which clearly refers to enforcement of the act generally.