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STATE TO STREAM WATERS

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STATE

U.S.Ala. 1978. For purposes of the designation provisions of the Voting Rights Act of 1965, term "state" refers to a specific geographic territory in its entirety; therefore, the Attorney General may not designate a city for coverage under the Act on the theory that the city's actions are often "state action." Voting Rights Act of 1965, §§ 4, 4(a, b), 5 as amended 42 U.S.C.A. §§ 1973b, 1973b(a, b), 1973c.—U.S. v. Board of Com'rs of Sheffield, Ala., 98 S.Ct. 965, 435 U.S. 110, 55 L.Ed.2d 148.—Mun Corp 80.

U.S.Alaska 1922. In Const. art. 1, § 9, prohibiting preference by any regulation of commerce or revenue to the ports of one state over those of another, the word "state" has the meaning generally given it in the Constitution, and does not include territories, so as to require the ports of Alaska to be given the same regulations as those of the states.—Territory of Alaska v. Troy, 42 S.Ct. 241, 258 U.S. 101, 5 Alaska Fed. 104, 66 L.Ed. 487.—Territories 8.

U.S.Dist.Col. 1973. District of Columbia is not a "State" within meaning of Fourteenth Amendment, and neither the District nor its officers are subject to its restrictions. U.S.C.A.Const. Amend. 14.—District of Columbia v. Carter, 93 S.Ct. 602, 409 U.S. 418, 34 L.Ed.2d 613, rehearing denied 93 S.Ct. 1411, 410 U.S. 959, 35 L.Ed.2d 694, on remand Carter v. Carlson, 489 F.2d 1272, 160 U.S.App.D.C. 148.—Const Law 254(3).

U.S.Dist.Col. 1889. The District of Columbia is not a "state," within the clause of the federal Constitution extending the jurisdiction of the United States Supreme Court to controversies between states.—Metropolitan R. Co. v. District of Columbia, 10 S.Ct. 19, 132 U.S. 1, 33 L.Ed. 231.

U.S.Fla. 1897. "People," when not used as the equivalent of "state" or "nation," must apply to a body of persons less than a state or nation, and this meaning would be satisfied by considering it as applicable to any consolidated political body.—The Three Friends, 17 S.Ct. 495, 166 U.S. 1, 41 L.Ed. 897.

U.S.Hawai'i 1948. In many contexts "state" may mean only the several states of the United States, but may sometimes include a territory.—Andres v. U.S., 68 S.Ct. 880, 333 U.S. 740, 92 L.Ed. 1055.—States 1; Statut 199.

U.S.Hawai'i 1910. A "state," as used in Rev.St. U.S. § 5339, which provides that a person who commits murder upon the high seas, etc., and out of the jurisdiction of any particular "state" shall suffer death, refers only to the territorial jurisdiction of one of the United States, and not to any other government or political community. A murder committed on board ship lying in the harbor of Honolulu is cognizable in the District Court of the United States for the territory of Hawaii, under section 5339, as one committed in a haven or arm of the sea within the admiralty and maritime jurisdiction of the United States and "out of the jurisdiction of any particular state."—Wynne v. U.S., 30 S.Ct. 447, 217 U.S. 234, 54 L.Ed. 748.

U.S.Mont. 1891. While the word "state" is often used in contradistinction to "territory," yet in its general public sense, and as sometimes used in the statutes and the proceedings of the government, it has the larger meaning of any separate political community, including therein the District of Columbia and the territories, as well as those political communities known as the "states of the Union."—Talbott v. Board of Com'rs of Silver Bow County, 11 S.Ct. 594, 139 U.S. 438, 35 L.Ed. 210.

U.S.N.J. 1939. The functions which New Jersey borough council and borough tax collector perform affecting collection of taxes for payment of local school district bonds are not "state" but "local functions," and a suit for an injunction restraining such action by local officers is not within federal statute requiring suit for interlocutory injunction restraining action by state officers to be heard by court of three judges. N.J.S.A. 1:1-10, 52:24-19.1, 52:14-32, 52:27-1 to 52:27-66; 28 U.S.C.A. §§ 1253, 2101, 2281, 2284.—Wilentz v. Sovereign Camp, W.O.W., 59 S.Ct. 709, 306 U.S. 573, 83 L.Ed. 994.—Courts 101.

U.S.N.Y. 1902. The word "state," as used in the inheritance tax law, imposed by the law or revenue act upon property passing either by will or by the intestate law of any state or territory, is not to be construed in a sense broad enough to include a foreign state or territory, but is limited to the states of the United States.—Eidman v. Martinez, 22 S.Ct. 515, 184 U.S. 578, 46 L.Ed. 697.

U.S.N.Y. 1872. The word "State" when used in treatises upon the law of nations means the "nation" and not any subdivision of it. Per Justice Clifford.—Crapo v. Kelly, 83 U.S. 610, 16 Wall. 610, 21 L.Ed. 430.—States 1.

U.S.Tex. 1868. The word "state" describes sometimes a people or community of individuals united more or less closely in political relations inhabiting temporarily or permanently the same country. Often it denotes only the country, or territorial region, inhabited by such a community. Not infrequently it is applied to the government under which the people live. At other times it represents the combined idea of people, territory, and government.—Texas v. White, 74 U.S. 700, 7 Wall. 700, 19 L.Ed. 227.—States 1.

U.S.Tex. 1868. In the Constitution the term "state" most frequently expresses the combined idea of people, territory, and government. A state in the ordinary sense of the Constitution is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written Constitution, and established by the consent of the governed.—Texas v. White, 74 U.S. 700, 7 Wall. 700, 19 L.Ed. 227.—States 1.

U.S.Tex. 1868. The term "state" is used to express the idea of a people or political community, as distinguished from the government. In this sense it is used in the clause which provides that the United States shall guarantee to every state in the Union a republican form of government, and shall protect each of them against invasion.—Texas v. White, 74 U.S. 700, 7 Wall. 700, 19 L.Ed. 227.—States 1.

U.S.Va. 1805. The District of Columbia is not a "state" within meaning of constitution.—Hepburn and Dundas v. Ellzey, 6 U.S. 445, 2 Cranch 445, 2 L.Ed. 332.—Dist of Col 2.

U.S.Va. 1805. Provisions of constitution that Senate of United States shall be composed of two senators from each state and that each state shall appoint, for the election of executives, a number of electors equal to its whole number of senators and representatives, show that the word "state" is used in the constitution as designating a member of the Union.—Hepburn and Dundas v. Ellzey, 6 U.S. 445, 2 Cranch 445, 2 L.Ed. 332.—States 4.

C.A.D.C. 1996. District of Columbia is not a "state."—Milton S. Kronheim & Co., Inc. v. District of Columbia, 91 F.3d 193, 319 U.S.App.D.C. 389, rehearing denied, certiorari denied 117 S.Ct. 1468, 520 U.S. 1186, 137 L.Ed.2d 681.—Dist of Col 2.

C.A.D.C. 1996. Court will treat the District of Columbia as a "state" for purposes of 21st Amendment analysis. U.S.C.A. Const.Amend. 21.—Milton S. Kronheim & Co., Inc. v. District of Columbia, 91 F.3d 193, 319 U.S.App.D.C. 389, rehearing denied, certiorari denied 117 S.Ct. 1468, 520 U.S. 1186, 137 L.Ed.2d 681.—Dist of Col 2.

C.A.D.C. 1996. Court will treat the District of Columbia as a "state" for purposes of 21st Amendment analysis. U.S.C.A. Const.Amend. 21.—Milton S. Kronheim & Co., Inc. v. District of Columbia, 91 F.3d 193, 319 U.S.App.D.C. 389, rehearing denied, certiorari denied 117 S.Ct. 1468, 520 U.S. 1186, 137 L.Ed.2d 681.—Int Liq 5.1.

C.A.D.C. 1952. Occupation of American zone in Germany by United States troops following World War II neither affected Germany's position as a "state" nor altered Germany's status as a "foreign state" within statute declaring that national of United States loses nationality by voting in political election in a foreign state. Immigration and Nationality Act, 8 U.S.C.A. § 1481(a).—Acheson v. Wohlmuth, 196 F.2d 866, 90 U.S.App.D.C. 375, certiorari denied 73 S.Ct. 40, 344 U.S. 833, 97 L.Ed. 648.—Citiz 17.

C.A.9 (Alaska) 1998. Regional Educational Attendance Area (REAA) located in Alaska was not "state" exempt from provision of Indian Health Care Improvement Act allowing United States to recover reasonable expenses incurred in providing health services to eligible Indians and Alaska Natives; plain meaning of word "state" did not include school district or REAA. Indian Health Care Improvement Act, § 206(a, b), as amended, 25 U.S.C.A. § 1621e(a, b).—U.S. ex rel. Norton Sound Health Corp. v. Bering Strait School Dist., 138 F.3d 1281, certiorari denied 119 S.Ct. 403, 525 U.S. 962, 142 L.Ed.2d 327.—Indians 7.

C.A.9 (Alaska) 1998. Local government unit, though established under state law, funded by state, and ultimately under state control, with jurisdiction over only limited area, is not "state" exempt from provision of Indian Health Care Improvement Act allowing United States to recover reasonable expenses incurred in providing health services to eligible Indians and Alaska Natives. Indian Health Care Improvement Act, § 206(a, b), as amended, 25 U.S.C.A. § 1621e(a, b).—U.S. ex rel. Norton Sound Health Corp. v. Bering Strait School Dist., 138 F.3d 1281, certiorari denied 119 S.Ct. 403, 525 U.S. 962, 142 L.Ed.2d 327.—Indians 7.

C.A.9 (Cal.) 1990. "Indian tribe" is not "state" or "political subdivision," for purpose of provision of Racketeer Influenced and Corrupt Organizations Act, which outlaws gambling in violation of law any "state or political subdivision." 18 U.S.C.A. § 1955.—Morongo Band of Mission Indians v. Rose, 893 F.2d 1074, appeal after remand 34 F.3d 901.—RICO 7.

C.A.11 (Fla.) 1985. Under the Interstate Agreement on Detainers Act, § 2, Art. II(a), 18 U.S.C.A.App., the United States may be a sending "state" for purposes of determining inmate's right to challenge transfer to the receiving state.—Mann v. Warden of Eglin Air Force Base, 771 F.2d 1453, certiorari denied 106 S.Ct. 1200, 475 U.S. 1017, 89 L.Ed.2d 314.—Extrad 53.1.

C.A.9 (Guam) 1991. Government of Guam was not "agency" of federal government for purposes of 60–day time limit on appeals in actions involving federal government agencies; Government of Guam is elected by own citizens, Guam collects territorial income tax to finance itself, is included under definition of "state" and several federal statutes, and has no federal involvement in its litigation decision-making process. F.R.A.P.Rule 4(a), 28 U.S.C.A.; Organic Act of Guam, §§ 6, 7, 30, 31, 48 U.S.C.A. §§ 1422, 1422a, 1421h, 1421i.—Blas v. Government of Guam, 941 F.2d 778, certiorari denied 112 S.Ct. 1295, 503 U.S. 920, 117 L.Ed.2d 518.—Territories 7.

C.A.9 (Guam) 1988. Guam is not "state" for purposes of bribery statute applicable to agent of state agency. 18 U.S.C.A. § 666.—U.S. v. Bordallo, 857 F.2d 519, opinion amended on rehearing 872 F.2d 334, certiorari denied 110 S.Ct. 71, 493 U.S. 818, 107 L.Ed.2d 38.—Brib 1(2).

C.A.9 (Guam) 1985. Limitations which the commerce clause places upon the power of state governments to burden commerce do not apply to the government of Guam, because Guam is not a "state." U.S.C.A. Const. Art. 1, § 8, cl. 3.—Sakamoto v. Duty Free Shoppers, Ltd., 764 F.2d 1285, certiorari denied 106 S.Ct. 1457, 475 U.S. 1081, 89 L.Ed.2d 715.—Commerce 12.

C.A.9 (Guam) 1979. Reference to action in "state" court in statute governing removal of actions to federal court did not include actions in the

courts of the territory of Guam. 28 U.S.C.A. § 1443(1).—People of Territory of Guam v. Landgraf, 594 F.2d 201.—Rem of C 9.

C.A.7 (Ill.) 1991. State agency is "state" for purposes of Eleventh Amendment immunity from suit in federal court. U.S.C.A. Const.Amend. 11.—Kroll v. Board of Trustees of University of Illinois, 934 F.2d 904, rehearing denied, certiorari denied 112 S.Ct. 377, 502 U.S. 941, 116 L.Ed.2d 329.—Fed Cts 269.

C.A.7 (Ill.) 1986. A local school district ordinarily is not a "state" for purposes of the Eleventh Amendment, and hence may be sued in federal court for damages or other retroactive relief for violations of federal law or the Constitution. U.S.C.A. Const.Amend. 11.—Gary A. v. New Trier High School Dist. No. 203, 796 F.2d 940.—Fed Cts 268.1.

C.A.7 (Ind.) 1997. County or other local unit of government is not "state" for purposes of Eleventh Amendment immunity. U.S.C.A. Const.Amend. 11.—McCurdy v. Sheriff of Madison County, 128 F.3d 1144.—Fed Cts 268.1.

C.A.8 (Iowa) 1989. "State," within meaning of Product Liability Risk Retention Act, which provides that purchasing group may not purchase insurance from insurer not admitted in "state" in which purchasing group is located, refers to state in which purchasing group is domiciled. Product Liability Risk Retention Act of 1981, § 4(f), as amended, 15 U.S.C.A. § 3903(f).—Swanco Ins. Company-Arizona v. Hager, 879 F.2d 353, rehearing denied, certiorari denied 110 S.Ct. 866, 493 U.S. 1057, 107 L.Ed.2d 950.—Insurance 1293.

C.A.5 (La.) 1988. Term "state" for Eleventh Amendment purposes includes state agencies. U.S.C.A. Const.Amend. 11.—Neuwirth v. Louisiana State Bd. of Dentistry, 845 F.2d 553.—Fed Cts 269.

C.A.6 (Mich.) 2001. City was not "state" for purposes of CERCLA provision protecting parties who settle claims with state from liability for contribution regarding matters addressed in settlement, and thus city's settlement of its environmental claims against potentially responsible party (PRP) did not entitle PRP to statutory contribution protection. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 113(f)(2), 42 U.S.C.A. § 9613(f)(2).—City of Detroit v. Simon, 247 F.3d 619, rehearing en banc denied, certiorari denied Eaton Corp. v. City of Detroit, 122 S.Ct. 615, 151 L.Ed.2d 538.—Environ Law 447.

C.A.6 (Mich.) 1999. Under doctrine of *Ex parte Young,* state official sued in his official capacity for prospective equitable relief is generally not regarded as "state" for purposes of Eleventh Amendment, and case may proceed in federal court. U.S.C.A. Const.Amend. 11.—MacDonald v. Village of Northport, Mich., 164 F.3d 964, 1999 Fed.App. 9P.—Fed Cts 269, 272.

C.A.9 (Mont.) 2002. Certification of Native American juvenile to the federal court system under the Federal Juvenile Delinquency Act (FJDA) for burglaries allegedly committed on an Indian reservation did not require that the Attorney General certify that the tribe did not have, or would not assume, jurisdiction to adjudicate the juvenile as a delinquent, and it was sufficient that the Attorney General certified that the state in which the reservation was located lacked jurisdiction; word "territory" within the definition of "State" does not include tribes, so that "State" does not include tribal governments. 18 U.S.C.A. § 5032.—U.S. v. Male Juvenile, 280 F.3d 1008.—Indians 6.7(3).

C.A.3 (N.J.) 1985. Port authority created by bistate compact was a "state" under Tenth Amendment to determine application of Fair Labor Standards Act, although Authority contained limited federal attributes, since it possessed sufficient state attributes where states appointed commissioners, it was operated as state agency, and there had been little federal involvement since approval of compact. U.S.C.A. Const. Art. 1, § 10; Amend. 10; Act Aug. 23, 1921, § 1 et seq., 42 Stat. 174; Act July 1, 1922, § 1 et seq., 42 Stat. 822; N.Y.McK.Unconsol.Laws § 6405; N.J.S.A. 32:1-5.—Mineo v. Port Authority of New York and New Jersey, 779 F.2d 939, 27 Wage & Hour Cas. (BNA) 777, rehearing denied 783 F.2d 42, 27 Wage & Hour Cas. (BNA) 982, certiorari denied 106 S.Ct. 3297, 478 U.S. 1005, 27 Wage & Hour Cas. (BNA) 1152, 92 L.Ed.2d 712.—Labor 1249.

C.A.3 (N.J.) 1982. Puerto Rico was a "state" for purposes of Travel Act which permitted federal prosecutions based on use of facilities of interstate commerce in furtherance of bribery in violation of laws of state. 18 U.S.C.A. § 1952.—U. S. v. Steele, 685 F.2d 793, certiorari denied Mothon v. U.S., 103 S.Ct. 213, 459 U.S. 908, 74 L.Ed.2d 170, certiorari denied Twombly, Inc. v. U.S., 103 S.Ct. 213, 459 U.S. 908, 74 L.Ed.2d 170.—Brib 1(1).

C.A.2 (N.Y.) 1995. Under international law, a "state" is entity that has defined territory and permanent population, that is under control of its own government, and that engages in, or has capacity to engage in, formal relations with other such entities; recognition by other states is not required. Restatement (Third) of Foreign Relations §§ 201, 202 comment.—Kadic v. Karadzic, 70 F.3d 232, rehearing denied 74 F.3d 377, on remand Jane Doe I v. Karadzic, 1996 WL 194298, certiorari denied 116 S.Ct. 2524, 518 U.S. 1005, 135 L.Ed.2d 1048.—Intern Law 3, 4.

C.A.4 (N.C.) 1989. Cherokee tribe is a "state" bound by Parental Kidnapping Prevention Act. 28 U.S.C.A. § 1738A.—In re Larch, 872 F.2d 66.—Child C 702, 730.

C.A.4 (N.C.) 1979. As originally drafted for application only among the several states of the union, the Interstate Agreement on Detainers Act must have contemplated separate geographic and distinct jurisdictional units when it used the term "State." Interstate Agreement on Detainers Act, § 2, art. IV(e), 18 U.S.C.A. App.—U. S. v. Bryant, 612 F.2d 806, certiorari denied 100 S.Ct. 1855, 446 U.S. 920, 64 L.Ed.2d 274.—Extrad 53.1.

C.A.4 (N.C.) 1979. A fundamental purpose of the Interstate Agreement on Detainers Act is to encourage minimum interruption in the rehabilitation programs at the place of "original imprisonment" and to avoid harassment by uncoordinated shuttling of prisoners back and forth between custodial states and other states in which multiple related charges may be pending; and the assumption that this will usually be accomplished under the Act breaks down if the whole of the United States is considered a receiving "state" vis-a-vis any of the states of the Union as a sending state. Interstate Agreement on Detainers Act, § 2, art. IV(e), 18 U.S.C.A. App.—U. S. v. Bryant, 612 F.2d 806, certiorari denied 100 S.Ct. 1855, 446 U.S. 920, 64 L.Ed.2d 274.—Extrad 51.

C.A.3 (Pa.) 2000. School district was not "state" or "arm of the state" for Eleventh Amendment purposes and therefore was not entitled to sovereign immunity from applicant's ADEA claim. U.S.C.A. Const.Amend. 11; Age Discrimination in Employment Act of 1967, § 2 et seq., 29 U.S.C.A. § 621 et seq.—Narin v. Lower Merion School Dist., 206 F.3d 323.—Fed Cts 270.

C.A.3 (Pa.) 1966. Interstate transportation of lottery tickets which were to be used to operate lottery in the Republic of Haiti, whose statute made conduct of lottery legal, was not exempted from criminal statute prohibiting interstate transportation of wagering paraphernalia by reason of section exempting transportation of betting materials into state in which betting is legal, since lottery tickets were not "betting materials" to be used in placing of bets or wagers on a sporting event within meaning of statute and the word "state" meant one of the United States and not a country in the international sense. 18 U.S.C.A. § 1953(a, b).—U. S. v. Baker, 364 F.2d 107, certiorari denied 87 S.Ct. 596, 385 U.S. 986, 17 L.Ed.2d 448.—Lotteries 20.

C.A.1 (Puerto Rico) 1976. Puerto Rico is a "state" for the purposes of the provision of the Civil Rights Act which provides redress against any person who under color of "state" statute or regulation deprives any citizen or other person within the jurisdiction of the United States of rights or privileges secured by the Constitution and laws. 42 U.S.C.A. § 1983.—Berrios v. Inter Am. University, 535 F.2d 1330, 37 A.L.R. Fed. 596.—Civil R 197.

C.A.1 (Puerto Rico) 1953. Commonwealth of Puerto Rico has not become a state in the federal union like the 48 states, but it has become a "state" within a common and accepted meaning of the word. 48 U.S.C.A. §§ 731b–731d; Joint Resolution July 3, 1952, 48 U.S.C.A. § 731d note.—Mora v. Mejias, 206 F.2d 377.—Territories 33.

C.A.1 (Puerto Rico) 1953. Word "state" may in context of a particular act of congress have a broader connotation than a state in the federal union.—Mora v. Mejias, 206 F.2d 377.—Statut 199.

C.A.1 (R.I.) 1986. "State" is a person within 42 U.S.C.A. § 1983 such that, where it has voluntarily waived its Eleventh Amendment immunity to suit in federal court, it may be held liable in the same respect as municipalities and local units of government. U.S.C.A. Const.Amend. 11.—Della Grotta v. State of R.I., 781 F.2d 343.—Civil R 206(1).

C.A.1 (R.I.) 1986. "State" is a person within 42 U.S.C.A. § 1983 such that, where it has voluntarily waived its Eleventh Amendment immunity to suit in federal court, it may be held liable in the same respect as municipalities and local units of government. U.S.C.A. Const.Amend. 11.—Della Grotta v. State of R.I., 781 F.2d 343.—Fed Cts 266.1.

C.A.5 (Tex.) 1997. "State", as used in diversity statute subsection which provides that corporation is deemed to be citizen "of any State by which it has been incorporated and of the State where it has its principal place of business," refers only to the 50 states, Territories, District of Columbia, and Puerto Rico, but not to foreign states. 28 U.S.C.A. § 1332(c)(1).—Torres v. Southern Peru Copper Corp., 113 F.3d 540.—Fed Cts 300.

C.A.9 (Wash.) 1995. Washington State Department of Transportation (WSDOT) was "state" within meaning of CERCLA provision under which, when state is seeking recovery of response costs, consistency with national contingency plan (NCP) is presumed, even though WSDOT did not act pursuant to authorization obtained from federal government, i.e., Environmental Protection Agency (EPA), and even though WSDOT allegedly had no cleanup expertise. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 107(a)(4)(A), 42 U.S.C.A. § 9607(a)(4)(A).—Washington State Dept. of Transp. v. Washington Natural Gas Co., Pacificorp, 59 F.3d 793.—Environ Law 464.

C.C.A.5 (Fla.) 1939. County board of public instruction was liable for interest after maturity on bonds which were issued pursuant to statutory authority, and did not promise to pay interest after maturity, the board being analogous to a county and not being regarded as the "state". Sp. Acts Fla. 1927, c. 12540, Sec. 4; Comp. Gen. Laws 1927, Secs. 523, 561.—Board of Public Instruction for Brevard County v. Osburn, 101 F.2d 919.—Schools 97(9).

C.C.A.9 (Hawai'i) 1942. Under statute providing for removal of criminal prosecutions against federal revenue officers from "state court" to federal court, the District Court for the Territory of Hawaii properly entertained an application by a United States customs guard for removal of murder prosecution from the territorial court of Hawaii, since the designation "state" embraces "territory". Jud. Code Sec. 33, 28 U.S.C.A. 76; Rev. Laws Hawaii 1935, Secs. 3643, 5990.—Yeung v. Territory of Hawaii, 132 F.2d 374.—Rem of C 9.

C.C.A.6 (Ky.) 1903. When the Constitution speaks of a "state," and inhibits the doing of certain things, it sometimes includes under the term every instrumentality or agency of the state which presumes to act by authority of the state, and in other cases the action of the state in its sovereign or legislative character is alone referred to.—Karem v. U.S., 121 F. 250, 57 C.C.A. 486, 61 L.R.A. 437.

C.C.A.2 (N.Y.) 1927. Aa "government" is political agency through which the "state" acts in international relations. The "state" is a community or assemblage of people, and the "government" is the political agency through which it acts in international relations.—Lehigh Valley R. Co. v. State of Russia, 21 F.2d 396, certiorari denied 48 S.Ct. 159, 275 U.S. 571, 72 L.Ed. 432.—Intern Law 3.

C.C.A.2 (N.Y.) 1927. Foreign "state" survives its form of government. A foreign "state" is perpetual, and survives its form of government.—Lehigh Valley R. Co. v. State of Russia, 21 F.2d 396, certiorari denied 48 S.Ct. 159, 275 U.S. 571, 72 L.Ed. 432.—Intern Law 9.

C.C.A.2 (N.Y.) 1927. A "government" is political agency through which the "state" acts in international relations.—Lehigh Valley R. Co. v. State of Russia, 21 F.2d 396, certiorari denied 48 S.Ct. 159, 275 U.S. 571, 72 L.Ed. 432.—Intern Law 3.

C.C.A.2 (N.Y.) 1927. Foreign "state" survives its form of government.—Lehigh Valley R. Co. v. State of Russia, 21 F.2d 396, certiorari denied 48 S.Ct. 159, 275 U.S. 571, 72 L.Ed. 432.—Intern Law 9.

C.C.A.1 (Puerto Rico) 1916. Under Bankr.Act July 1, 1898, c. 541, § 64b(5), 30 Stat. 563, 11 U.S.C.A. § 104, declaring that debts owing to any person, who by the laws of the states or the United States is entitled to priority, shall have priority and be paid in full out of the bankrupt estate, the word "state," in view of section 1, cl. 24, 11 U.S.C.A. § 1, declaring that it shall include territories, includes Porto Rico, and so one entitled to priority by Porto Rican laws is entitled to priority under the Bankruptcy Act.—In re Vidal, 233 F. 733, 147 C.C.A. 499.

C.C.N.D.Cal. 1911. Where a state has conferred power on some one of its agencies to perform a certain function involving the exercise of discretion, the performance of such function within that grant, although in a manner to render it obnoxious to the laws of the state, is none the less the act of the "state" within the contemplation of the constitutional prohibition against deprivation of life, liberty, or property without due process of law.—San Francisco Gas & Elec. Co. v. City and County of San Francisco, 189 F. 943.

C.C.N.D.Ill. 1899. In Act March 2, 1895, 28 Stat. 963, 18 U.S.C.A. § 387, which makes it an offense to cause lottery tickets to be carried or transferred "from one state to another," the word "state" must be held to have been used in a constitutional sense, which does not include a territory of the United States; hence a complaint charging a person with having caused lottery tickets to be carried and transported from a state to a territory does not charge an offense within a statute.—U.S. v. Ames, 95 F. 453.—Lotteries 20.

C.C.S.D.Iowa 1907. The word "state," in U.S.C.A.Const. art. 1, § 10, providing that no "state" shall pass a law impairing the obligation of contracts, includes a city or other subdivision or agency of a state. A resolution of a city council directing the removal from the streets of the tracks of a street railroad company is a law of the state within the constitutional provision where under the state law, the resolution is as effective for the intended purpose as an ordinance would be.—Des Moines City Ry. Co. v. City of Des Moines, 151 F. 854, reversed 29 S.Ct. 553, 214 U.S. 179, 53 L.Ed. 958.

D.Ariz. 1968. Indian tribe is not a "state" within meaning of Fourteenth Amendment. U.S.C.A.Const. Amend. 14.—Dodge v. Nakai, 298 F.Supp. 17.—Const Law 252.

W.D.Ark. 1883. The word "state" has a definite, fixed, certain legal meaning in this country and under our form of government. It had acquired this meaning when the Constitution was adopted, and this is the one which must be attached to it when used in that instrument or in laws of Congress. It means one of the commonwealths or political bodies of the American Union, and which under the Constitution stand in certain specified relations to the national government and are invested as commonwealths with full power in their several spheres over all matters not expressly inhibited. It is a political organization, having a chief executive, who can make a requisition for extradition, and whose duty under the law is to obey, when made by one having authority under the Constitution and laws of the United States.—Ex parte Morgan, 20 F. 298.

C.D.Cal. 1997. To constitute a "state" under international law, entity need only have defined territory and permanent population under control of its own government, with capacity to engage in formal relations with other states.—Doe v. Unocal Corp., 963 F.Supp. 880.—Intern Law 3.

C.D.Cal. 1997. To constitute "state" under international law, entity need only have defined territory and permanent population under control of its own government, with capacity to engage in formal relations with other states.—National Coalition Government of Union of Burma v. Unocal, Inc., 176 F.R.D. 329.—Intern Law 3.

C.D.Cal. 1978. Phrase "terms and conditions" in sections of Employee Retirement Income Security Act providing that Act supersedes all state laws relating to any employee benefits plan and that term "state" is any state instrumentality which purports to regulate, directly or indirectly, terms and conditions of employee benefit plans covered by Act pertains to plan's administration and operations and does not relate to whether participant's benefits are to be distributed as community or separate property pursuant to dissolution of participant's marriage. Employee Retirement Income Security Act of 1974, §§ 513, 514(c)(2), 29 U.S.C.A. §§ 1143, 1144(c)(2).—Carpenters Pension Trust for Southern California v. Kronschnabel, 460 F.Supp. 978, affirmed 632 F.2d 745, certiorari denied 101 S.Ct. 3159, 453 U.S. 922, 69 L.Ed.2d 1004.—States 18.51.

N.D.Cal. 1923. A "state" is a complete body of free persons united together for their common benefit, to enjoy peaceably what is their own, and to do justice to others.—Rosenberg Bros. & Co. v.

U.S. Shipping Board Emergency Fleet Corp., 295 F. 372.

S.D.Cal. 1944. The word "state", as used in oath of allegiance, comprehends a body of people living in a territory, who are not subject to any external rule, but who have the power within themselves to have any form of government which they choose and have the power to deal with other states. Nationality Act of 1940, § 338, 8 U.S.C.A. § 738.—U.S. v. Kusche, 56 F.Supp. 201.—Aliens 62(2).

S.D.Cal. 1944. For purpose of determining whether defendant gave false oath in renouncing allegiance to foreign state, the German "state" when defendant took his oath of allegiance in 1930 was the same German state which has existed ever since, notwithstanding the Nazi government of Hitler did not come into power in Germany until 1933. Nationality Act of 1940, § 338, 8 U.S.C.A. § 738.—U.S. v. Kusche, 56 F.Supp. 201.—Aliens 62(2).

S.D.Cal. 1940. The "State," as used in political science, means the coercive force of government.—Redlands Foothill Groves v. Jacobs, 30 F.Supp. 995.

D.Del. 1935. Word "state" in Delaware statute, requiring receipt in such state of letters of administration, granted in any other "state," as competent authority to administrator named therein, comprehends foreign nation, so as to authorize suit by Bermuda administratrix of decedent's estate in federal court for district of Delaware. Rev.Code Del. 1915, § 3404.—Fessenden v. Radio Corporation of America, 10 F.Supp. 394.—Ex & Ad 524(2).

D.D.C. 2000. District of Columbia could not be treated as a "state" for purposes of the apportionment of congressional representatives. U.S.C.A. Const. Art. 1, § 2, cl. 1.—Adams v. Clinton, 90 F.Supp.2d 35, affirmed Alexander v. Mineta, 121 S.Ct. 336, 531 U.S. 940, 148 L.Ed.2d 269, affirmed 121 S.Ct. 336, 531 U.S. 941, 148 L.Ed.2d 270, rehearing denied 121 S.Ct. 646, 531 U.S. 1045, 148 L.Ed.2d 551.—Dist of Col 2.

D.D.C. 2000. District of Columbia could not be treated as a "state" for purposes of the apportionment of congressional representatives. U.S.C.A. Const. Art. 1, § 2, cl. 1.—Adams v. Clinton, 90 F.Supp.2d 35, affirmed Alexander v. Mineta, 121 S.Ct. 336, 531 U.S. 940, 148 L.Ed.2d 269, affirmed 121 S.Ct. 336, 531 U.S. 941, 148 L.Ed.2d 270, rehearing denied 121 S.Ct. 646, 531 U.S. 1045, 148 L.Ed.2d 551.—U S 10.

D.D.C. 1998. Under international law, "state" is entity that has defined territory and permanent population, under control of its own government, and that engages in, or has capacity to engage in, formal relations with such other entities. Restatement (Third) of Foreign Relations Law § 201.—Doe v. Islamic Salvation Front (FIS), 993 F.Supp. 3.—Intern Law 3.

D.D.C. 1997. Term "state," as used in Title VII savings clause providing that nothing in title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any state, includes the District of Columbia. Civil Rights Act of 1964, §§ 701(i), 708, as amended, 42 U.S.C.A. §§ 2000e(i), 2000e–7.—Martini v. Federal Nat. Mortg. Ass'n, 977 F.Supp. 464, vacated 178 F.3d 1336, 336 U.S.App.D.C. 289, certiorari dismissed 120 S.Ct. 1155, 528 U.S. 1147, 145 L.Ed.2d 1065.—Civil R 332.

D.D.C. 1995. District of Columbia is not a "state" for purposes of the Eleventh Amendment, but instead is a municipality. U.S.C.A. Const. Amend. 11.—Women Prisoners of District of Columbia Dept. of Corrections v. District of Columbia, 899 F.Supp. 659, remanded 93 F.3d 910, 320 U.S.App.D.C. 247, rehearing denied, certiorari denied 117 S.Ct. 1552, 520 U.S. 1196, 137 L.Ed.2d 701, on remand 968 F.Supp. 744.—Fed Cts 270.

D.D.C. 1985. A "State" is not a "citizen" for purposes of federal diversity jurisdiction. 28 U.S.C.A. § 1332(a).—Acord v. McLaughlin Const. Management Corp., 621 F.Supp. 971.—Fed Cts 283.

N.D.Fla. 1916. A "state" or "nation" denotes a political community organized under a distinct government recognized and confirmed by its citizens and subjects as a supreme power.—The Lucy H., 235 F. 610.

D.Hawai'i Terr. 1947. "State" within statute giving federal district court original jurisdiction, without regard to amount in controversy, of suits to redress deprivation of civil rights under color of any "state" statute should not be narrowly interpreted but should be interpreted liberally to include "territory". Jud.Code, §§ 24(14), 129, 266, 28 U.S.C.A. §§ 41(14), 227, 380; 48 U.S.C.A. §§ 491 et seq., 641 et seq.; Cr.Code, §§ 19, 20, 18 U.S.C.A. §§ 51, 52.—Alesna v. Rice, 74 F.Supp. 865, affirmed 172 F.2d 176, certiorari denied 70 S.Ct. 53, 338 U.S. 814, 94 L.Ed. 492.—Civil R 197.

N.D.Ill. 1992. Village was not "State," as defined in CERCLA and, therefore, not "government" for purposes of case law holding that release is not valid against government under CERCLA. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 101(27), 42 U.S.C.A. § 9601(27).—Village of Fox River Grove, Ill. v. Grayhill, Inc., 806 F.Supp. 785.—Release 20.

N.D.Iowa 1937. Federal District Court *held* without jurisdiction of quo warranto proceeding by state on relation of county attorney to require power company to remove its poles and other electrical equipment from streets of town on expiration of power company's franchise, since "state" is not a "citizen of a state" so as to authorize removal by power company on ground of diversity of citizenship as against contention that municipality was real party in interest and was a citizen of the state. Code Iowa 1935, § 12417 et seq.—State of Iowa ex rel. Welty v. Northwestern Light & Power Co., 18 F.Supp. 303.—Rem of C 29.

E.D.Ky. 1915. Provision of Fourteenth Amendment that no "state" shall deprive or deny, etc., means that one who represents the state, acting for it and in its name shall not deprive or deny, etc. It

applies to officers or agents of the state, including executive and judicial departments thereof, not being limited to legislative departments.—Louisville & N.R. Co. v. Bosworth, 230 F. 191, affirmed in part, reversed in part 37 S.Ct. 683, 244 U.S. 522, Am. Ann.Cas. 1917E,97, 61 L.Ed. 1291.

W.D.Ky. 1904. The word "state" in U.S.C.A.Const. Amend. 14, providing that no state shall deprive any person of life, liberty, or property without due process of law, includes its officers, its courts, and other governmental agencies. All of them are included in the prohibitions.—Ex parte Powers, 129 F. 985.

D.Md. 1986. Provision of Federal Insecticide, Fungicide and Rodenticide Act authorizing a "state" to regulate sale or use of any federally registered pesticide or device in state, provided regulation does not otherwise prohibit sale or use, pertains only to a state and not to a state's political subdivisions and, hence, does not authorize a state's political subdivisions to regulate sale and use of pesticides. Federal Insecticide, Fungicide, and Rodenticide Act, § 24, as amended, 7 U.S.C.A. § 136v.—Maryland Pest Control Ass'n v. Montgomery County, Md., 646 F.Supp. 109, affirmed 822 F.2d 55, affirmed 822 F.2d 55.—Environ Law 411.

D.Mass. 1991. "State" as used in the CERCLA does not include political subdivisions of states, and thus town did not have authority to maintain action for natural resource damages and was not entitled, in seeking to recover response costs, to have burden placed on defendants to demonstrate that its response actions were inconsistent with the national contingency plan. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, §§ 101(27), 107(a)(4)(A-C), (f)(1), as amended, 42 U.S.C.A. §§ 9601(27), 9607(a)(4)(A-C), (f)(1).—Town of Bedford v. Raytheon Co., 755 F.Supp. 469.—Environ Law 444, 464.

E.D.Mich. 1994. State university fell within meaning of "state" for purposes of Eleventh Amendment immunity from suit; any judgment against university would have been paid out of state's tax revenues, legislature was authorized to appropriate funds with which to maintain university, and legislature had to fund university. U.S.C.A. Const.Amend. 11; Mich.Const. Art. 8, § 4; M.C.L.A. §§ 600.6095, 691.1401(c).—U.S. ex rel. Moore v. University of Michigan, 860 F.Supp. 400.—Fed Cts 269.

E.D.Mich. 1993. City was not a "state" for burden of proof purposes under CERCLA, and thus city seeking to recover response costs from responsible party had burden to show that its response actions were consistent with national contingency plan (NCP); moreover, city was acting as a market participant, rather than in a governmental role, in acting to clean up site. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 107(a)(4)(A, B), as amended, 42 U.S.C.A. § 9607(a)(4)(A, B).—Sherwin-Williams Co. v. City of Hamtramck, 840 F.Supp. 470.—Environ Law 464.

E.D.Mich. 1975. Use of the term "state" in Equal Educational Opportunity Act section prohibiting denial of equal educational opportunities to an individual on account of race merely imposes a state action requirement in the same manner as the similar wording of the Fourteenth Amendment; use of the term "state" does not place the state in violation of the Act when the violation results from actions of a school district. Equal Educational Opportunity Act of 1974, § 204, 20 U.S.C.A. § 1703; U.S.C.A.Const. Amend. 14.—U. S. v. School Dist. of Ferndale, Mich., 400 F.Supp. 1135, reversed 577 F.2d 1339, 47 A.L.R. Fed. 294, on remand 460 F.Supp. 352, vacated 616 F.2d 895, on remand 499 F.Supp. 367.—Schools 13(1).

D.Minn. 1990. Under a provision of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), allowing the federal government or a state to sue for damage for natural resources, the word "state" did not include local governments. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 107(a)(4)(C), (f)(1), as amended, 42 U.S.C.A. § 9607(a)(4)(C), (f)(1).—Werlein v. U.S., 746 F.Supp. 887, vacated in part 793 F.Supp. 898.—Environ Law 444.

D.Mont. 1983. Under Montana law, the "state" does not include political subdivisions and "political subdivisions" does include local school districts, which are thus not the "alter ego" of the state, so that school district does not partake of the immunity provided the state by the Eleventh Amendment. U.S.C.A. Const.Amend. 11; MCA 2–9–101, 20–2–121, 20–9–142, 20–9–167, 20–9–301 et seq., 20–9–353.—Kenny v. Board of Trustees of Valley County School Dist. Numbers 1 and 1A, 563 F.Supp. 95, affirmed 770 F.2d 170.—Fed Cts 270.

D.N.H. 1992. Term "state" in statute allowing for removal of actions involving the FDIC except state law actions involving the FDIC as receiver of a "state insured depository institution" modifies the term "insured depository institution," not the term "insured," and the phrase encompasses state-chartered depository institutions insured by the FDIC. Federal Deposit Insurance Act, §§ 2[3](c)(2), 2[9](b)(2)(D), as amended, 12 U.S.C.A. §§ 1813(c)(2), 1819(b)(2)(D).—Bascom Const., Inc. v. F.D.I.C., 785 F.Supp. 277, on remand Bascom Const., Inc. v. City Bank and Trust, 629 A.2d 797, 137 N.H. 472.—Rem of C 19(8).

D.N.J. 1993. Municipality lacked standing to bring action to recover natural resource damages under CERCLA; municipality was not "state," nor "authorized representative of a state", within meaning of CERCLA. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 107(a)(4)(A, C), (f)(1), (f)(2)(B), as amended, 42 U.S.C.A. § 9607(a)(4)(A, C), (f)(1), (f)(2)(B).—Mayor and Council of Borough of Rockaway v. Klockner & Klockner, 811 F.Supp. 1039.—Environ Law 654.

D.N.J. 1985. Municipality is included within term "state" as used in Comprehensive Environmental Response, Compensation, and Liability Act

section imposing liability for all costs of removal or remedial action incurred by United States government or state not inconsistent with national contingency plan and providing for liability for injury, destruction or loss of natural resources. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 107(a)(4)(A, C), (f), 42 U.S.C.A. §§ 9607(a)(4)(A, C), (f).—Mayor and Bd. of Aldermen of Town of Boonton v. Drew Chemical Corp., 621 F.Supp. 663.—Environ Law 444.

E.D.N.Y. 1987. Municipality was not a "state," for purposes of statute prohibiting citizen's suit under Federal Water Pollution Control Act if administrator or state has commenced and is diligently prosecuting civil or criminal action to require compliance with an Act standard, limitation or order; therefore, municipality's action against electroplating company seeking compliance with Act standards did not preclude citizen's suit. Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act), §§ 502, 505(b)(1)(A), 33 U.S.C.A. §§ 1362, 1365(b)(1)(A).—New York Public Interest Research Group, Inc. v. Limco Mfg. Corp., 697 F.Supp. 608.—Environ Law 226.

N.D.N.Y. 2001. Indian tribe acted like "state," for purposes of Clean Water Act (CWA) provision precluding continued prosecution of previously-filed citizen suit if state was diligently prosecuting action or had issued final order, in entering into consent order with landowner regarding remediation of landowner's unauthorized filling of wetlands, even though Environmental Protection Agency (EPA) did not explicitly make determination as to whether tribe could be treated as state, where EPA refrained from fully prosecuting action because of fact that tribe was prosecuting action and, at same time, consulting with EPA. Federal Water Pollution Control Act Amendments of 1972, §§ 309(g)(6)(A), 505, 518(e), 33 U.S.C.A. §§ 1319(g)(6)(A), 1365, 1377(e).—Atlantic States Legal Foundation, Inc. v. Hamelin, 182 F.Supp.2d 235.—Environ Law 146.

N.D.N.Y. 1999. For purposes of Eleventh Amendment immunity, the "state" generally includes state agencies and state officials sued in their official capacities, but not political subdivisions. U.S.C.A. Const.Amend. 11.—Riley v. Town of Bethlehem, 44 F.Supp.2d 451.—Fed Cts 269, 270.

N.D.N.Y. 1995. For purposes of Eleventh Amendment, "state" is defined as state government and agencies of government but not its political subdivisions. U.S.C.A. Const.Amend. 11.—Rourke v. New York State Dept. of Correctional Services, 915 F.Supp. 525.—Fed Cts 269, 270.

S.D.N.Y. 1996. Town was not "state" for purposes of CERCLA provision for cost recovery actions brought by United States Government or state; there was no express purpose of CERCLA that would be served by broadly reading term "state" to include municipalities, particularly as Congress explicitly provided for municipalities in provision for cost recovery actions brought by "any other person." Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 107(a)(4)(A, B), as amended, 42 U.S.C.A. § 9607(a)(4)(A, B).—Town of New Windsor v. Tesa Tuck, Inc., 919 F.Supp. 662.—Environ Law 446.

S.D.N.Y. 1988. For purposes of settlement provision in Comprehensive Environmental Response, Compensation and Liability Act, city was a "state," particularly where state had approved city's role in litigation and settlement agreement was worked out with aid of both city and state. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, §§ 107(a)(4)(A), 113(b)(2), as amended, 42 U.S.C.A. §§ 9607(a)(4)(A), 9613(f)(2).—City of New York v. Exxon Corp., 697 F.Supp. 677.—Compromise 11.

S.D.N.Y. 1968. State of Wuerttemberg as a member of the German federation which had power to engage in foreign relations with consent of government of West Germany and had done so possessed sufficient attributes of independent sovereign to qualify as a "state" within meaning of the "act of state" doctrine with respect to its decree creating additional domicile for Zeiss foundation and transferring its domicile from East Germany.—Carl Zeiss Stiftung v. V. E. B. Carl Zeiss, Jena, 293 F.Supp. 892, affirmed as modified 433 F.2d 686, certiorari denied 91 S.Ct. 2205, 403 U.S. 905, 29 L.Ed.2d 680.—Intern Law 10.11.

S.D.N.Y. 1968. Connecticut corporation was not barred from maintaining diversity action against New York school district by Eleventh Amendment of the Federal Constitution which divests courts of the United States of jurisdiction of suits against any "state" by citizens of another state, since New York school district was not the alter ego of the "state" of New York but was an autonomous agency. U.S.C.A.Const. Amend. 11; 28 U.S.C.A. § 1332.—Fabrizio & Martin, Inc. v. Board of Ed. Central School Dist. No. 2 of Towns of Bedford et al., 290 F.Supp. 945.—Fed Cts 270.

E.D.N.C. 1989. Defendants' counterclaims against Commissioner of Insurance solely in his capacity as rehabilitator of insolvent insurance company were not claims against "state," for Eleventh Amendment or sovereign immunity purposes, where counterclaims did not allege any wrong doing on part of Commissioner and sought no relief from Commissioner. U.S.C.A. Const.Amend. 11.—State of N.C. ex rel. Long v. Alexander & Alexander Services, Inc., 711 F.Supp. 257.—Fed Cts 269.

N.D.Ohio 1993. Municipalities are not encompassed within meaning of "state" as defined by provision of CERCLA authorizing actions for harm to natural resources, and thus municipalities do not have standing to bring actions to recover for harm to natural resources. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, §§ 101(27), 107, 107(a)(4)(C), 107(f)(1, 2), as amended, 42 U.S.C.A. §§ 9601(27), 9607, 9607(a)(4)(C), 9607(f)(1, 2).—City of Toledo v. Beazer Materials and Services, Inc., 833 F.Supp. 646.—Environ Law 444, 654.

S.D.Ohio 1993. City could not bring action for response costs under CERCLA provision applying

to United States, to states, and to Indian tribes, as city was not "state" within meaning of provision. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 107(a)(4)(A), as amended, 42 U.S.C.A. § 9607(a)(4)(A).—City of Heath, Ohio v. Ashland Oil, Inc., 834 F.Supp. 971.—Environ Law 444.

D.Or. 1884. The term "state," in the act of March 2, 1837, 5 Stat. 153, section 4236, Rev.St., 46 U.S.C.A. § 212, regulating the taking of pilots on a water forming the boundary between two states, construed to include an organized "territory" of the United States.—The Ullock, 19 F. 207, 9 Sawy. 634.—Pilots 1.

D.Or. 1884. The term "state," as used in the federal statute regulating the taking of pilots on waters forming the boundary between two "states," also includes an organized territory of the United States.—The Ullock, 19 F. 207, 9 Sawy. 634.

E.D.Pa. 1993. State chartered bank which is insured by Federal Deposit Insurance Corporation (FDIC) is "state insured depository institution," for purposes of statute providing exception to removal of state court actions in which FDIC is appointed as receiver; term "state" refers to type of insured depository institution as opposed to type of insurer. Federal Deposit Insurance Act, § 2[9](b)(2)(D), (b)(2)(D)(i, ii), as amended, 12 U.S.C.A. § 1819(b)(2)(D), (b)(2)(D)(i, ii).—Pyle v. Meritor Sav. Bank, 821 F.Supp. 1072.—Rem of C 19(9).

E.D.Pa. 1989. City was not "state" within meaning of Comprehensive Environmental Response, Compensation and Liability Act such that it was entitled to presumption that its cleanup activities were consistent with National Oil and Harzardous Substances Pollution Contingency Plan; rather, city had burden of proving that response costs incurred were consistent with plan. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, § 107(a)(4)(A, B), as amended, 42 U.S.C.A. § 9607 (a)(4)(A, B).—City of Philadelphia v. Stepan Chemical Co., 713 F.Supp. 1484.—Environ Law 464.

E.D.Pa. 1972. The term "state," as used in the Interstate Agreement on Detainers Act, means inter alia the United States. Interstate Agreement on Detainers Act, § 2, arts. 1, 2(a), 3(a), 5(a, c), 18 U.S.C.A.App.—U. S. v. Cappucci, 342 F.Supp. 790.—Extrad 53.1.

M.D.Pa. 1965. The causing to be transported betting materials designed for use in sweepstakes based on outcome of a sporting event to republic of Haiti, where betting was legal, was not within statute exempting the transportation of such materials into a "State" in which betting is legal under statutes of that state. 18 U.S.C.A. § 1953.—U. S. v. Baker, 241 F.Supp. 272, affirmed 364 F.2d 107, certiorari denied 87 S.Ct. 596, 385 U.S. 986, 17 L.Ed.2d 448.—Lotteries 20.

D.Puerto Rico 2000. Puerto Rico is a "State "within section of Stolen Property Act criminalizing transportation of fraudulent State tax stamps, rather than a foreign government excluded from Act. 18 U.S.C.A. §§ 2311, 2314, 2315.—U.S. v. Amado Nunez, 127 F.Supp.2d 53.—Rec S Goods 1.

D.Puerto Rico 1991. The Commonwealth of Puerto Rico fell within definition of "state" as that term was used in statute authorizing the Secretary of the Treasury to enter into tax withholding agreement with state, notwithstanding that Treasury Department had previously interpreted legislative history to indicate that Congress had not meant to include "territory" in statute's definition of state, and that Presidential Order under which any agreement was made did not refer to Commonwealth. 5 U.S.C.A. § 5517.—Romero v. Brady, 764 F.Supp. 227, reversed 38 F.3d 1204, appeal after remand Beck v. Bowersox, 982 S.W.2d 763.—Tax 1100.

D.Puerto Rico 1990. Puerto Rico is "state" for purposes of § 1983. 42 U.S.C.A. § 1983.—Navedo v. Acevedo, 752 F.Supp. 523, affirmed 932 F.2d 94.—Civil R 197.

D.Puerto Rico 1984. Puerto Rico is a "state" for purposes of Civil Rights Act of 1871. 42 U.S.C.A. § 1983.—Rivera Carbana v. Cruz, 588 F.Supp. 80, affirmed 767 F.2d 905.—Civil R 197.

D.Puerto Rico 1966. In statute defining commerce Congress did not use term "territory" in its broad meaning, but its use, together with use within same statute of terms "State", "District of Columbia", "foreign nation", "insular possession" and "place under the jurisdiction of the United States" indicated intent to be precise in terminology used in statute and that reference to "territory" was in its political sense. Clayton Act, § 1, 15 U.S.C.A. § 12.—David Cabrera, Inc. v. Union De Choferes Y Duenos De Camiones Hermanados De Puerto Rico, 256 F.Supp. 839.—Monop 10.

D.Puerto Rico 1953. Commonwealth of Puerto Rico is a "state" within statute requiring proceedings for injunction against enforcement of state statute or order made by administrative board acting under state statute on ground of unconstitutionality of statute to be heard and determined by three judge court, and thus three judge court would have to be convened to consider application for permanent injunction restraining enforcement of administrative order fixing maximum prices for sale of rice in Puerto Rico on ground that order deprived rice importer of property without due process. 28 U.S.C.A. §§ 2281, 2284; Joint Resolution July 3, 1952, 48 U.S.C.A. § 731d note.—Mora v. Mejias, 115 F.Supp. 610.—Courts 101.

W.D.S.C. 1954. Piedmont Interstate Fair Association was not a "state" or "county fair association" within subdivision of South Carolina Workmen's Compensation Act exempting such associations from the Act. Code S.C.1952, §§ 72–101 et seq., 72–107(8), 72–131, 72–132.—Bean v. Piedmont Interstate Fair Ass'n, 124 F.Supp. 385, reversed 222 F.2d 227.—Work Comp 221, 224.

E.D.S.C. 1947. A citizen of the District of Columbia is not a citizen of a "state" within meaning of constitutional provision that the judicial power of

the United States shall extend to controversies between citizens of different states. U.S.C.A. Const. art. 3, § 2.—Wilson v. Guggenheim, 70 F.Supp. 417.—Fed Cts 285.

E.D.Va. 1949. A "state", within meaning of the diversity jurisdiction clauses of Federal Constitution and statutes, means one formally recognized by executive branch of United States government. 28 U.S.C.A. § 1332(2); U.S.C.A. Const. art. 3, § 2.—Klausner v. Levy, 83 F.Supp. 599.—Fed Cts 275.

E.D.Va. 1942. The amendment to the Judicial Code extending original jurisdiction of District Court to suits which involve sum of $3,000, and are between citizens of District of Columbia and any state or territory is valid in view of constitutional provision granting to Congress power to legislate with respect to the seat of government, notwithstanding fact that District of Columbia is not a "state" within constitutional provision that judicial power of federal courts shall extend to cases between citizens of different states, since the words "shall extend to" are not words of exclusion and do not by implication exclude from federal court jurisdiction all classes of cases not enumerated in the provision. Jud.Code § 24(1), as amended April 20, 1940, 28 U.S.C.A. § 1332; U.S.C.A. Const. art. 1, § 8; art. 3, § 2.—Winkler v. Daniels, 43 F.Supp. 265.—Fed Cts 4.

W.D.Va. 1947. The 1940 amendment to the Judicial Code giving district courts original jurisdiction over controversies between citizens of different "states" by adding the words "or citizens of the District of Columbia" is unconstitutional as in violation of the constitutional provision that the judicial power of the United States shall extend to controversies between citizens of different "states", since the District is not a "state" within the meaning of the Constitution. Jud.Code, § 24(1), 28 U.S.C.A. § 41(1); U.S.C.A. Const. art. 3, §§ 1, 2.—Willis v. Dennis, 72 F.Supp. 853.—Const Law 56; Fed Cts 4.

W.D.Va. 1903. The word "state," as used in Act March 2, 1895, c. 191, 28 Stat. 963, which provides that any person who shall cause to be brought within the United States from abroad, for the purpose of disposing of the same, or deposited in or carried by the mails of the United States, or carry from one state to another in the United States, any ticket of a lottery, shall be punishable, etc., does not include the District of Columbia.—U.S. v. Whelpley, 125 F. 616.

D.Virgin Islands 1969. Term "state" under rule that exercise of jurisdiction in personam by court of a "state" over one who is not present in "state" and who has been served extraterritorially does not offend due process clause if he has certain minimum contacts within state such that maintenance of suit does not offend traditional notions of fair play and substantial justice includes territory of the Virgin Islands. 5 V.I.C. §§ 4901 et seq., 4903, 4911.—Jensen v. McInerney, 299 F.Supp. 1309.—Const Law 305(5).

W.D.Wash. 1950. The word "state" in statute providing for loss of United States nationality by voting in political election in foreign "state" means a body of people living in a territory, who are not subject to any external rule but who have the power within themselves to have any form of government which they choose and have the power to deal with other states and have sovereignty. Nationality Act of 1940, § 401(e), 8 U.S.C.A. § 801(e).—Kuniyuki v. Acheson, 94 F.Supp. 358, reversed 189 F.2d 741, rehearing denied 190 F.2d 897, certiorari denied 72 S.Ct. 554, 342 U.S. 942, 96 L.Ed. 701.—Citiz 17.

W.D.Wash. 1950. The agreement of the Foreign Ministers to establish the Far Eastern Commission did not take away power of Supreme Commander over Japanese Emperor and Japanese Government, as respects whether occupied Japan was "state" within statute providing for loss of United States nationality by voting in political election in foreign "state". Nationality Act of 1940, § 401(e), 8 U.S.C.A. § 801(e).—Kuniyuki v. Acheson, 94 F.Supp. 358, reversed 189 F.2d 741, rehearing denied 190 F.2d 897, certiorari denied 72 S.Ct. 554, 342 U.S. 942, 96 L.Ed. 701.—Citiz 17.

N.D.W.Va. 1993. West Virginia Regional Jail Authority and Correctional Facility (RJACF) is in effect the "state" of West Virginia, and thus is not a "person" suable under § 1983; RJACF is created by state legislature to serve inmates and citizens of state, and was funded in large part by state and federal funds. 42 U.S.C.A. § 1983; W.Va.Code, 31–20–1 to 31–20–27.—Roach v. Burke, 825 F.Supp. 116.—Civil R 206(1).

E.D.Wis. 1991. "Amenability to personal jurisdiction," for purposes of establishing proper venue for action brought under Copyright Act of 1976, relates to specific district and not state in which action has been begun so that, to extent that state long-arm statute applied, word "state" in that statute had to be substituted with word "district." 28 U.S.C.A. § 1400(a).—Milwaukee Concrete Studios, Ltd. v. Fjeld Mfg. Co., Inc., 782 F.Supp. 1314, motion denied 795 F.Supp. 277, vacated in part 8 F.3d 441, affirmed in part, reversed in part 8 F.3d 441.—Copyr 79.

Bkrtcy.E.D.Pa. 1994. Tax protester was citizen of both Pennsylvania and United States, and, as such, subject to federal income tax, despite his assertion that he was nonresident alien; as used in Internal Revenue Code provisions stating that term "state" and term "United States" includes District of Columbia, Commonwealth of Puerto Rico, Virgin Islands, Guam, and American Samoa, "includes" is term of definition, not of limitation, and Fourteenth Amendment establishes simultaneous state and federal citizenship, thereby securing political jurisdiction of federal government over residents of individual states. 26 U.S.C.A. §§ 3121(e)(1, 2), 7701(b); U.S.C.A. Const.Amend. 14.—In re Weatherley, 169 B.R. 555.—Int Rev 4083.

Ala. 1950. A corporation organized under statute authorizing citizens and taxpayers of municipalities to organize non-profit public corporations for purpose of promoting trade by inducing manufacturing enterprises to locate in state, is not within

term "state" in constitutional provision prohibiting state from engaging in work of internal improvement or lending money credit in aid of such, except as limited. Laws 1949, p. 991; Const.1901, § 93.—Opinion of the Justices, 49 So.2d 175, 254 Ala. 506.—States 119.

Ala. 1940. The "state" is a body politic or political society, organized by common consent for mutual protection and defense, exercising powers necessary for such purpose, and combines in one word all of its departments.—State v. Inman, 195 So. 448, 239 Ala. 348.—States 1.

Ala. 1934. Assent of board of revenue of Tuscaloosa county was not necessary to render judgment against it as garnishee on its answer admitting indebtedness due official against whom plaintiff had judgment since statute prohibiting garnishment of official of "state" admitting that state is due him certain money unless assent to judgment is shown in answer does not include cities and counties (Code 1923, § 8092).—Shepherd v. Jones, 153 So. 223, 228 Ala. 307.—Garn 63.

Ala. 1932. "State" is body politic, organized by common consent for mutual defense, exercising powers necessary for that purpose.—Consolidated Indemnity & Insurance Co. v. Texas Co., 140 So. 566, 224 Ala. 349.—States 1.

Ariz. 1938. Nations or "states" are bodies politic, societies of men united together for the promotion of their mutual safety and advantage by the joint efforts of their combined strength. The word "state" in its most enlarged sense means the people composing a particular nation or community, and in that sense the word means the whole people united into one body politic. In a more limited sense, the word "state" is expressive merely of the position or actual organization of the legislative, executive, or judicial powers.—City of Bisbee v. Cochise County, 78 P.2d 982, 52 Ariz. 1.

Ariz. 1937. The meaning of terms "state" and "political subdivisions," as used in statute providing that Minimum Wage Law should apply to persons employed by or on behalf of the state or any of its political subdivisions, must be ascertained from context of statute and meaning generally attached to terms. Rev.Code 1928, § 1350, as amended by laws 1933, c. 12, § 1, A.R.S. § 23-391.—State v. Miser, 72 P.2d 408, 50 Ariz. 244.—Labor 1129.1.

Ariz. 1937. The state university, though incorporated and controlled by board of regents having statutory power to fix salaries, comes within term "state" as used in minimum wage law and is subject to law under provision that stated wages shall be paid to persons doing manual or mechanical labor employed by or on behalf of the state or any of its political subdivisions, since university's separate existence is not so independent that Legislature could not restrict its use of appropriated funds by requiring university to pay minimum wage to employees coming within law. Rev.Code 1928, §§ 1132, 1135; § 1350, as amended by Laws 1933, c. 12, § 1, A.R.S. § 23-391.—State v. Miser, 72 P.2d 408, 50 Ariz. 244.—Labor 1129.1.

Ariz.App. Div. 1 1980. Reference to "State" in statute making embezzlement of public funds of state, county, city or municipality a felony refers to branches of state government and respective offices, divisions and entities into which state government has divided, and the same is true with respect to counties, cities and municipalities, and thus such statute included within its purview public funds of county community college district, which was responsible for overall operation of county community colleges and which was a governmental entity created pursuant to statute. A.R.S. §§ 15-666 et seq., 15-676.01, 15-686 et seq.; § 13-689 (Repealed).—State v. Brooks, 616 P.2d 70, 126 Ariz. 395.—Embez 11(2).

Ark. 2000. Action against school district was not action against "state," and thus school district and superintendent did not have constitutional immunity from suit brought by wheelchair-bound teacher, in which she alleged that school district failed to make reasonable accommodations to allow her to continue employment, and that inadequate accommodations caused her further injury, under provision granting state general immunity from suit. Const. Art. 5, § 20.—Dermott Special School Dist. v. Johnson, 32 S.W.3d 477, 343 Ark. 90.—Schools 63(3), 89.

Ark. 1950. Counties, cities, etc., are political subdivisions of the state and are included in the term "state" which is the concrete whole.—Sitton v. Burnett, 226 S.W.2d 544, 216 Ark. 574.—Counties 1.

Ark. 1950. Counties, cities, etc., are political subdivisions of the state and are included in the term "state" which is the concrete whole.—Sitton v. Burnett, 226 S.W.2d 544, 216 Ark. 574.—Mun Corp 54.

Cal. 1936. Statute imposing privilege tax on owners of registered motor vehicles which appropriated certain per cent. of funds raised to be expended by cities for "law enforcement and the regulation, and control and fire protection of highway traffic" held constitutional, since required to be expended for "state" purposes and not for "local" purposes as prohibited by Constitution. St.1935, p. 1314, § 9(a, b); Const. art. 11, § 12, as amended in 1933.—City of Los Angeles v. Riley, 59 P.2d 137, 6 Cal.2d 621, 106 A.L.R. 903.—Counties 24; Mun Corp 73.

Cal. 1906. It is not merely the Legislature, or the executive, or the judiciary, but it is the entire body of the people, who together form the body politic known as the "state." This meaning is applicable in the rule that "the extent to which the people of a municipality shall be allowed to directly participate in the governmental function of legislating therefor in local or municipal affairs is * * * purely a question of state policy, in the determination of which the state is not restricted by any provision of the federal Constitution."—In re Pfahler, 88 P. 270, 150 Cal. 71.

Cal. 1898. (West's Ann.Cal.) Pen.Code, § 789, provides that the jurisdiction of a criminal action for stealing in another state, or receiving property,

"knowing it to have been stolen, and bringing the same into this state," is in any country into or through which such stolen property has been brought. Held, that the statute does not apply to property stolen in Canada, since it is apparent that the word "state," as used the second time, refers to a particular territory within the United States, and hence by an elementary rule of construction it must be held so used in the first instance.—People v. Black, 54 P. 385, 122 Cal. 73.

Cal.App. 2 Dist. 1922. Pen.Code, § 954, declares that if an information charges two or more offenses, under separate counts, defendant may be convicted of any number of offenses charged, and each offense on which defendant is convicted must be "stated" in the verdict, and where a verdict found defendant not guilty on a first count and "guilty as charged in the second count," it was not objectionable in that it only referred to the count without describing the offense and as failing to meet the definition of "stated" as used in the Code, "state" meaning "to aver; allege; declare as a matter of fact."—People v. Mercado, 209 P. 1035, 59 Cal.App. 69.—Crim Law 878(2).

Cal.App. 4 Dist. 1982. Word "state" as used in section of Probate Code recognizing will made outside of California as valid if it is "executed according to the laws of the state in which it was executed," embraces foreign nations as well as other states of the United States. West's Ann.Cal. Prob.Code § 26.—Estate of Hudson, 187 Cal.Rptr. 532, 137 Cal.App.3d 984.—Wills 239.

Conn. 1967. "State" means a body of people occupying a definite territory and politically organized under one government.—State ex rel. Maisano v. Mitchell, 231 A.2d 539, 155 Conn. 256.—States 1.

Conn. 1955. "State" means a body of people occupying a definite territory and politically organized under one government.—City of Norwalk v. Daniele, 119 A.2d 732, 143 Conn. 85.—States 1.

Conn. 1941. The word "state" has been defined broadly as body of people occupying definite territory and politically organized under one government and is generally used in connection with constitutional law in United States as meaning individual states making up the Union in contradistinction to United States as a nation, but United States is a "state" as such word is frequently used in international law, the word includes, in its more enlarged signification, all republics and governments not monarchial and even monarchies, if they fall within reason of its use, and it may include District of Columbia or United States, if that will carry out legislative intent expressed in statute.—McLaughlin v. Poucher, 17 A.2d 767, 127 Conn. 441.—Dist of Col 2.

Conn. 1823. The word "state," as used in the statute prohibiting the sale of lottery tickets in the state of Connecticut issued under the authority of any other state, extends to the sale of tickets in a lottery authorized by the national government; the law not being aimed only against the sale of tickets by any of the states of the United States merely, but against the sale of such as are authorized by any other sovereignty.—Terry v. Olcott, 4 Conn. 442.

Fla. 1999. Law enforcement agency, as agent of prosecution, is the "state," for purposes of criminal defendant's public records request. Chapter 119, Fla. Stat. (1995).—Henderson v. State, 745 So.2d 319, rehearing denied, amended in part 763 So.2d 274.—Records 60.

Fla.App. 1 Dist. 1987. Express presumption of tax exemption in use tax statute for property "used in another state for six months or longer" did not apply to yacht used in the Bahamas for more than six months prior to being imported into Florida; the word "state" as used in the exemption provision referred to one of the states in the United States, and not to foreign entities. West's F.S.A. § 212.06(8).—Department of Revenue v. G.R. Swan Enterprises, Inc., 506 So.2d 455, review denied 513 So.2d 1061.—Tax 1316.

Fla.App. 1 Dist. 1974. "State," as used in use tax exemption for property used six months or longer in another state before importation, referred to one of the states of United States and not a foreign entity. West's F.S.A. § 212.06(8).—Wanda Marine Corp. v. State Dept. of Revenue, 305 So.2d 65.—Tax 1233.

Ga. 1994. County Hospital Authority is not "state," and not "department" or "agency" of state and, thus, is not entitled to protection afforded by doctrine of sovereign immunity; very functions Hospital Authority performs are performed by private hospitals in direct competition with authority, and to extend doctrine to Authority would do nothing to advance goal of preserving protection of public purse. Const. Art. 1, § 2, Par. 9(e); O.C.G.A. § 31-7-75.—Thomas v. Hospital Authority of Clarke County, 440 S.E.2d 195, 264 Ga. 40, concurring opinion 441 S.E.2d 404, 264 Ga. 40.—Health 770.

Ga. 1936. As used in constitutional provision rendering holder of any public money contrary to law ineligible for state office until money is accounted for and paid into treasury, words "public money" mean money belonging to the state, and word "treasury" means the state treasury. Const. art. 2, § 4, par. 1. Word "state" signifies the territory inhabited by the people, and it also means the body politic inhabiting the territory, so that words "civil office in the state" may mean either civil office within the territory, or civil office in the frame of government or political organization.—Morgan v. Crow, 187 S.E. 840, 183 Ga. 147.

Ga.App. 1995. Although under the Georgia Tort Claims Act (GTCA) the state waives its sovereign immunity to the extent of insurance, the GTCA specifically excludes from its definition of "state" all counties, municipalities, school districts, other units of local government, and hospital authorities. Const. Art. 1, § 2, Par. 9; O.C.G.A. § 50-21-22(5).—Bitterman v. Atkins, 458 S.E.2d 688, 217 Ga.App. 652.—Counties 141.

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Ga.App. 1934. The "state" is only a corporate name for all the citizens within certain territorial limits.—Regents of University System of Georgia v. Blanton, 176 S.E. 673, 49 Ga.App. 602.

Hawai'i 2002. Hawai'i is a "state," and thus persons employed by Hawai'i are subject to federal income tax. 26 U.S.C.A. § 3401.—Rhoads v. Okamura, 49 P.3d 373, 98 Hawai'i 407.—Int Rev 3560.

Hawai'i 2002. Hawai'i is a "state," and thus persons employed by Hawai'i are subject to federal income tax. 26 U.S.C.A. § 3401.—Rhoads v. Okamura, 49 P.3d 373, 98 Hawai'i 407.—States 4.

Hawai'i Terr. 1908. The territory of Hawaii is not a "state" within constitutional provision giving Congress exclusive legislative power over places purchased by consent of legislature of state in which located for erection of forts, magazines, arsenals, etc., though Organic Act constituted separate federal court in Hawaii and gave governor thereof somewhat broader powers than usual. U.S.C.A.Const. art. 1, § 8.—Territory v. Carter, 19 Haw. 198.—U S 3.

Hawai'i Terr. 1903. The "state" being an independent sovereignty within its sphere makes its own constitution and laws, creates its own courts and fixes their jurisdiction, while a "territory" being a political dependency under the absolute control and dominion of Congress, its organic law is made by Congress and its courts and their jurisdiction and procedure are defined by the same power.—Makainai v. Goo Wan Hoy, 14 Haw. 607, rehearing denied 14 Haw. 683.—States 1; Territories 13.

Idaho 1945. Generally, the word "state" when used by court or Legislature denotes one of the members of the federal Union.—Twin Falls County v. Hulbert, 156 P.2d 319, 66 Idaho 128, certiorari granted 66 S.Ct. 96, 326 U.S. 707, 90 L.Ed. 417, reversed 66 S.Ct. 444, 327 U.S. 103, 90 L.Ed. 560.—States 1.

Idaho 1945. While the word "state" may by context be considered to include other governmental organizations than the states of the Union, the converse is not generally true.—Twin Falls County v. Hulbert, 156 P.2d 319, 66 Idaho 128, certiorari granted 66 S.Ct. 96, 326 U.S. 707, 90 L.Ed. 417, reversed 66 S.Ct. 444, 327 U.S. 103, 90 L.Ed. 560.—States 1.

Idaho Terr. 1873. The word "state," where used in the national currency act of 1864, and the amendments thereto, should be construed to mean "territory" as well, and national bank shares may be taxed, therefore, in the territories as well as in the states.—People v. Moore, 1 Idaho 504.—Tax 19.

Ill. 1984. Board of Governors of State Colleges and Universities is the "state" for purposes of sovereign immunity to extent that it is immune from any suit which would subject state to liability and adversely affect rights of state. S.H.A. ch. 37, ¶ 439.1 et seq.—Ellis v. Board of Governors of State Colleges and Universities, 80 Ill.Dec. 750, 466 N.E.2d 202, 102 Ill.2d 387.—States 191.4(2).

Ill. 1905. Under Cr.Code, § 272, S.H.A. ch. 38, § 580, making it an offense for any person to hire, persuade, or induce a witness in a criminal case to leave the "state," so that he cannot be produced as a witness, an indictment alleging that witnesses were induced to absent themselves from the "jurisdiction" of the court was sufficient, as the word "jurisdiction" is synonymous with the word "state" as used in the statute.—Tedford v. People, 76 N.E. 60, 219 Ill. 23.—Obst Just 11.

Ill. 1898. A "citizen," in the popular and appropriate sense of the term, is one who, by birth, naturalization, or otherwise, is a member of an independent political society called a "state," "kingdom," or "empire," and as such is subject to its laws and entitled to its protection and all his rights incident to that relation; and the right to vote is not necessarily incident to or coextensive with the right of citizenship.—Dorsey v. Brigham, 177 Ill. 250, 52 N.E. 303, 69 Am.St.Rep. 228, 42 L.R.A. 809.

Ill.App. 1 Dist. 1891. A bill of exceptions reciting that it contains all the evidence "adduced," means that it contains all the evidence presented; citing Webster, who gives the synonyms of adduce as "offer," "present," "allege," "advance," "state," and "mention."—Brown v. Griffin, 40 Ill.App. 558.

Ind. 1951. The word "state" as used in statutory provision recreating office of attorney general and providing that attorney general shall, among other things, represent state in matters involving rights or interests of state, including actions in the name of the state for which provision is not otherwise made by law, means the State of Indiana in its sovereign or corporate capacity. Burns' Ann.St. § 49–1924.—State ex rel. Young v. Niblack, 99 N.E.2d 839, 229 Ind. 596.—Atty Gen 7.

Ind. 1883. A statute provided, as a cause for demurrer, "that the complaint does not state facts sufficient to constitute a cause of action." A defendant demurred to a complaint for the reason that it did not "contain" facts sufficient to constitute a cause of action. In demurring to a pleading, it is not necessary to use the exact language of the statute. Other words of equivalent meaning may be employed. The word "contain," though not synonymous, is as broad in its meaning as used in such demurrer as the word "state," for, if a complaint does not "contain" facts sufficient to constitute a cause of action, it certainly does not "state" such facts.—State ex rel. Clawson v. Younts, 89 Ind. 313.

Ind.App. 1999. United States is a "state" for purposes of Interstate Agreement on Detainers (IAD). West's A.I.C. 35–33–10–4.—Vaden v. State, 712 N.E.2d 522, transfer denied 726 N.E.2d 300.—Extrad 51.

Ind.App. 1 Dist. 1995. "State," for purposes of State Board of Accounts statute, includes agency of

state, which includes state universities. West's A.I.C. 5–11–1–16(b).—State Bd. of Accounts v. Indiana University Foundation, 647 N.E.2d 342, transfer denied.—Colleges 6(1).

Ind.App. 1 Dist. 1995. "State," for purposes of State Board of Accounts statute, includes agency of state, which includes state universities. West's A.I.C. 5–11–1–16(b).—State Bd. of Accounts v. Indiana University Foundation, 647 N.E.2d 342, transfer denied.—States 121.

Ind.App. 1 Dist. 1993. Italy would be deemed "state" within meaning of Uniform Child Custody Jurisdiction Law (UCCJL), even though Italy did not fall within statute's definition of "state", in order to serve statute's general purpose of avoiding jurisdictional conflict, multiple litigation, and abductions of children, and in light of statute's intent to have international application; incentive to "snatch" children would be diminished if child's "home state" under UCCJL could be foreign sovereign so that trial courts would be prompted to decline jurisdiction over custody dispute. West's A.I.C. 31–1–11.6–2(10), 31–1–11.6–23.—Ruppen v. Ruppen, 614 N.E.2d 577.—Child C 800.

Ind.App. 1899. The word "contains" is a substantial equivalent of the word "states," as used in Horner's Rev.St.1897, § 339, cl. 5 (Burns' Ann.St. § 2–1007), declaring it a ground of demurrer that the complaint does not "state" facts sufficient to constitute a cause of action.—Leach v. Adams, 52 N.E. 813, 21 Ind.App. 547.—Plead 201.

Ind.App. 1899. "State," as used in Horner's Rev.St.1897, § 339, cl. 5, declaring it a ground of demurrer that the complaint does not state facts sufficient to constitute a cause of action, is substantially equivalent to the word "contain."—Leach v. Adams, 52 N.E. 813, 21 Ind.App. 547.

Ind.Tax 1997. Taxpayer was resident of "state" for purposes of state adjusted gross income tax, despite contention that statutory definition of "state" did not refer to 50 states but, rather, only to District of Columbia and other territories and possessions of United States, where taxpayer did not dispute that he made his home in state and filed his income taxes as resident of state. West's A.I.C. 6–3–1–12(a), 6–3–1–25, 6–3–2–1(a); Ind.Adm. Code title 45, r. 3.1–1–22.—Thomas v. Indiana Dept. of State Revenue, 675 N.E.2d 362.—Tax 1012.1.

Kan.App. 1997. Word "state" in state statute governing reciprocity of recognition of vehicle registrations includes Indian nations, and state is therefore required to extend reciprocal vehicle registration privileges to Indian nations granting vehicle registration privileges to persons operating validly registered and tagged vehicles within state. K.S.A. 8–138a; Sac and Fox Tribe of Indians of Oklahoma Code of Laws, tit. 14, ch. 8, § 895.—State v. Wakole, 945 P.2d 421, 24 Kan.App.2d 397, review granted, affirmed as modified 959 P.2d 882, 265 Kan. 53.—Autos 37.

La. 1959. A "state" in the ordinary sense of the Constitution is a political community of the free citizens occupying a territory of defined boundaries and organized under a government sanction unlimited by written constitution and established by the consent of the government. LSA–Const. art. 4, § 2.—Stokes v. Harrison, 115 So.2d 373, 238 La. 343.—States 1.

La. 1959. Under the constitutional provision that mineral rights on any property sold by the "state" shall be reserved, parish school boards are not included, and hence a school board conveyance in fee simple of land no longer needed for school site transferred the mineral interest therein to the grantee. LSA-Const. art. 4, § 2; LSA-R.S. 17:51, 17:81.—Stokes v. Harrison, 115 So.2d 373, 238 La. 343.—Schools 65.

La.App. 1 Cir. 2001. A court, in its discretion, may find that a foreign country is a "state" under Uniform Child Custody Jurisdiction Act (UCCJA) section allowing a trial court to have residual jurisdiction over custody matter if no other state would have jurisdiction and assertion of jurisdiction is in child's best interest, and whether or not a court will exercise residual jurisdiction depends on the facts and circumstances of each particular case. LSA–R.S. 13:1702, subd. A(4).—Amin v. Bakhaty, 812 So.2d 12, 2000 2710 (La.App. 1 Cir. 5/11/01), rehearing denied, writ granted 794 So.2d 832, 2001-1967 (La. 7/18/01), affirmed 798 So.2d 75, 2001-1967 (La. 10/16/01).—Child C 800.

La.App. 1 Cir. 1976. Levee district, which was created as an arm of the executive branch of government for the purpose of carrying out the governmental function of flood control, was the "state" within meaning of constitutional prohibition against divestiture of mineral rights on property sold by the state. LSA–Const. art. 4, § 2; Act No. 95 of 1890.—Shell Oil Co. v. Board of Com'rs of Pontchartrain Levee Dist., 336 So.2d 248, certiorari denied Shell Oil Company v. Board of Commissioners of Pontchartrain Levee District, 338 So.2d 1156.—Mines 4.

La.App. 1 Cir. 1959. Under constitutional provision that in all cases mineral rights on any and all property sold by the "State" shall be reserved, parish school boards are not included, and hence school board's conveyance in fee simple of land no longer needed for school site transferred mineral interest to grantee. LSA-Const. art. 4, § 2.—Stokes v. Harrison, 109 So.2d 506, affirmed 115 So.2d 373, 238 La. 343.—Schools 65.

La.App. 3 Cir. 1975. The "State" includes administrative departments and agencies within the state government.—State v. Ward, 314 So.2d 383, writ denied 319 So.2d 440.—States 191.10.

Me. 1979. Word "state," as used in former rule providing that, upon timely motion of defendant, prosecutor must permit defendant to inspect and copy books, documents or tangible objects within the possession, custody or control of the "state," imported nothing more than the office of the prosecuting attorney and did not encompass state agencies in general. Rules of Criminal Procedure, rule 16(a) (1977); Rules of Criminal Procedure, rule

16(b).—State v. Morton, 397 A.2d 171.—Crim Law 627.6(2).

Mich. 1984. Local concealed weapon licensing board was not a "state" board within meaning of Michigan Administrative Procedures Act and consequently was not an "agency" subject to provisions of Act. M.C.L.A. §§ 24.201 et seq., 28.426(1).—Hanselman v. Killeen, 351 N.W.2d 544, 419 Mich. 168, on remand 381 N.W.2d 778, 146 Mich.App. 616.—Weap 12.

Mich. 1892. The word "State," as used in clause 2 of section 1 of article 2 of the federal Constitution (U.S.C.A.Const.), which provides that "each state shall appoint, in such manner as the Legislature thereof may direct," electors, etc., means the body politic and corporate.—McPherson v. Blacker, 52 N.W. 469, 92 Mich. 377, 31 Am.St.Rep. 587, 16 L.R.A. 475, affirmed 13 S.Ct. 3, 146 U.S. 1, 36 L.Ed. 869.—U S 25.

Mich. 1887. In Act No. 237, Laws 1881, requiring a deposit of $100,000 with the State Treasurer or the chief financial officer or commissioner of insurance of the "state" where the insurance company desiring to engage in business in this state is organized, the use of the word "state" is confined to the United States.—Employers' Liability Assur. Co. v. Commissioner of Ins., 31 N.W. 542, 64 Mich. 614.—Insurance 1166.

Mich. 1887. Within the statute requiring insurance companies, as a condition of doing business in Michigan, to make a certain deposit with the state treasurer or with a certain officer of the state where the company is organized, the word "state" is manifestly confined to the communities within the United States, and will not include a foreign country; for, while nations are often and properly designated as "states," yet where by the law companies formed under the laws of foreign governments are mentioned as distinct from companies of other states, the word "states" will not be held to apply to such foreign countries.—Employers' Liability Assur. Co. v. Commissioner of Ins., 31 N.W. 542, 64 Mich. 614.

Mich.App. 1975. Term "state" in statutory provision that "Except as otherwise provided herein, this act shall not be construed as modifying or restricting the immunity of the state from tort liability as it existed heretofore, which immunity is affirmed" broadly differentiates between the state and its agencies and officers, and other government subdivisions, such as municipalities, and their agencies and officers. M.C.L.A. § 691.1407.—Walkowski v. Macomb County Sheriff, 236 N.W.2d 516, 64 Mich.App. 460.—States 112.1(1).

Mich.App. 1971. Term "public agency," within statute governing proration of tax responsibility between seller or condemnee and "public agency" or buyers, has been used advisedly by legislature as a broader term than "state" or even "governmental agency," in that quasi-public corporations, such as railroads, power companies, etc., have authority to acquire land by purchase or condemnation for public use. M.C.L.A. § 211.2.—City of Detroit v. State, 188 N.W.2d 146, 31 Mich.App. 563.—Tax 58.

Minn. 1930. Ft. Snelling military reservation is neither a "country" nor a "state" within meaning of statute; country referring to foreign countries, and state being territorial subdivision having organized civil government Minn.St.1927, § 2684.—State v. Storaasli, 230 N.W. 572, 180 Minn. 241, affirmed 51 S.Ct. 354, 283 U.S. 57, 75 L.Ed. 839.—Armed S 28; Autos 36.

Minn.App. 1991. Hospital, which was initially established as state hospital, was "state" within meaning of statute requiring state to pay compensation for injury caused by act or omission of employee of "state," even though hospital was made public corporation; legislature listed hospital when revisor renamed state agencies, hospital was not within local governmental units exclusion, but was within executive branch of state and had not been referred to as local political subdivision. M.S.A. §§ 3.732, 3.732, subds. 1, 1(1), 3.736, 3.736, subd. 1, 250.05, subd. 3a, 645.27; Minn.St.1971, § 250.01; Minn.St. 1973 Supp., § 250.05, subds. 1, 3.—Pirkov-Middaugh by Middaugh v. Gillette Children's Hosp., 479 N.W.2d 63, review granted, reversed 495 N.W.2d 608.—Health 770.

Minn.App. 1985. County was not "state employee" so as to be immune from liability under State Tort Claims Act [M.S.A. § 3.736, subd. 3(j)] in that statute specifically excludes counties from definition of "state." M.S.A. § 645.17(1).—Andrade v. Ellefson, 375 N.W.2d 828, review granted, affirmed in part, reversed in part 391 N.W.2d 836, 68 A.L.R.4th 245.—Counties 141.

Miss. 1994. Word "state" in statute requiring that nonresident bidding on state public contract be accorded treatment commensurate with treatment state resident would receive if bidding on contract in state of domicile of nonresident did not include political subdivisions of nonresident bidder's state; legislature had specifically designated other political subdivisions when it had intended to include them in statutory schemes. Code 1972, § 31-7-47.—Refrigeration Sales Co., Inc. v. State ex rel. Segrest, 645 So.2d 1351.—Pub Contr 10.

Miss. 1985. Where discoverable material is in possession of state crime laboratory, agency charged with law enforcement or any other state agency or office, all of which are "state" for discovery purposes, prosecution's obligation to produce material according to discovery rules remains unchanged; State is not free to hide discoverable material behind curtain of agency. Uniform Circuit Court Criminal Rule 4.06.—Fuselier v. State, 468 So.2d 45.—Crim Law 627.5(5).

Mo. 1963. "State" within proration and reciprocity agreement which was executed by Missouri and provided that each vehicle in fleet may be operated in both interstate and intrastate operations "in such state" means the base state.—Ruan Transport Corp. v. Missouri Highway Reciprocity Commission, 369 S.W.2d 220.—Autos 98.

Mo. 1908. An indictment which concludes "against the peace and dignity of state," because of the omission of the definite article "the" before "state," is fatally defective, in not complying with

Const. art. 6, § 38 (V.A.M.S.), providing that all indictments shall conclude "against the peace and dignity of the state."—State v. Campbell, 109 S.W. 706, 210 Mo. 202, 14 Am.Ann.Cas. 403.—Ind & Inf 32(3).

Mo.App. E.D. 1992. Term "state" in Missouri's enactment of Uniform Child Custody Jurisdiction Act (UCCJA) does not include foreign nations. V.A.M.S. § 452.440 et seq.—State ex rel. Rashid v. Drumm, 824 S.W.2d 497, rehearing, transfer denied.—Child C 702.

Mo.App. 1902. The words "represent" and "state," in a petition in an action for slander of title, imply the utterance of the language mentioned in connection with those words.—Butts v. Long, 68 S.W. 754, 94 Mo.App. 687.—Libel 139.

Mont. 1993. University of Montana is the "state," and not a "political subdivision," for purposes of venue statutes. MCA 2–9–101 et seq., 25–2–126.—Minervino v. University of Montana, 853 P.2d 1242, 258 Mont. 493.—Venue 11.

Mont. 1924. Seizure and confiscation of an automobile by Canadian officers held confiscation by "municipal, federal or state authorities," within a confiscation bond attached to policy insuring a car while within the limits of Canada as well as the United States; term "federal" being commonly used to express a league or compact between two or more states to become united under one central government, and being properly applicable to the Dominion of Canada; a "state" being a political body or body politic, or the whole body of people united under one government, and the term "municipal" though strictly applying to a city, being commonly used in a much broader sense, to wit, municipal or civil law, or the rule by which particular districts, communities or nations are governed.—Montana Auto Finance Corp. v. British & Federal Underwriters of Norwich Union Fire Ins. Soc., 232 P. 198, 72 Mont. 69, 36 A.L.R. 1495.—Insurance 2703.

Mont. 1918. Remark of court concerning evidence of encounters preceding the fatal difficulty that the evidence "had nothing to do with the final trouble, excepting to show the state of mind of parties," was not a comment on the weight of the evidence; the expression "state of mind" including in its general scope a temporary condition of feeling as well as a continuing condition, connoting a trait of character or disposition, for, in its broad sense, the term "state" is defined as the circumstances or condition of the being or thing at a given time.—State v. Inich, 173 P. 230, 55 Mont. 1.

Mont.Terr. 1887. Rev.St.U.S. § 5134, 12 U.S.C.A. § 22, requiring banking associations in their certificates to name the place where their operations of discount and deposit are to be carried on, designating the state, territory, or district, means simply the place, the locality, in which the business is to be carried on. The word "state" has various meanings.—Board of Com'rs of Silver Bow County v. Davis, 12 P. 688, 6 Mont. 306, affirmed Talbott v. Board of Com'rs of Silver Bow County, 11 S.Ct. 594, 139 U.S. 438, 35 L.Ed. 210.

N.J. 1996. Term "state," as used in New Jersey's version of Uniform Child Custody Jurisdiction Act (UCCJA), includes foreign countries, thus making jurisdictional provisions of UCCJA applicable to international custody disputes; abrogating *Roszkowski v. Roszkowska,* 274 N.J.Super. 620, 644 A.2d 1150. N.J.S.A. 2A:34–29, 2A:34–30, subd. j, 2A:34–31, subd. a(1–4), 2A:34–51.—Ivaldi v. Ivaldi, 685 A.2d 1319, 147 N.J. 190.—Child C 801.

N.J.Super.A.D. 1998. "State," as used in the Uniform Child Custody Jurisdiction Act (UCCJA) provision that defines a child's "home state" for jurisdictional purposes, includes foreign countries. N.J.S.A. 2A:34–30, subd. e.—Bless v. Bless, 723 A.2d 67, 318 N.J.Super. 90.—Child C 736.

N.J.Super.A.D. 1993. The New Jersey Water Supply Authority, as a sue or be sued entity, is excluded from definition of "state" contained in the Tort Claims Act, and comes within definition of a "local public entity," upon which notice of tort claim must be served as opposed to claim being filed with the Attorney General. N.J.S.A. 58:1B–2, 58:1B–5, 58:1B–7, 59:1–3, 59:8–1 et seq., 59:8–2, 59:8–3, 59:8–7, 59:8–10, 59:8–10, subd. a.—Feinberg v. State, 626 A.2d 75, 265 N.J.Super. 218, certification granted 636 A.2d 522, 134 N.J. 564, reversed 644 A.2d 593, 137 N.J. 126.—Mun Corp 741.25.

N.J.Super.A.D. 1993. The New Jersey Water Supply Authority, as a sue or be sued entity, is excluded from definition of "state" contained in the Tort Claims Act, and comes within definition of a "local public entity," upon which notice of tort claim must be served as opposed to claim being filed with the Attorney General. N.J.S.A. 58:1B–2, 58:1B–5, 58:1B–7, 59:1–3, 59:8–1 et seq., 59:8–2, 59:8–3, 59:8–7, 59:8–10, 59:8–10, subd. a.—Feinberg v. State, 626 A.2d 75, 265 N.J.Super. 218, certification granted 636 A.2d 522, 134 N.J. 564, reversed 644 A.2d 593, 137 N.J. 126.—States 84.

N.J.Super.A.D. 1971. Term "state," contained in section of statute relating to actions for collection of tax stating that courts of New Jersey should recognize and enforce liabilities for "taxes lawfully imposed by any other State," should be understood as describing taxes imposed by the legislature of another state, assessed and collected by state officials and deposited in the general state treasury for uses appropriate by the legislature, in contrast with local taxes which, although authorized by state legislature, are assessed, collected and disbursed locally and for local governmental purposes. N.J.S.A. 54:8A–46(b).—Buckley v. Huston, 279 A.2d 882, 115 N.J.Super. 367, certification granted 281 A.2d 805, 59 N.J. 292, reversed 291 A.2d 129, 60 N.J. 472.—Courts 8.

N.J.Super.L. 1975. Within Tort Claims Act, "public entity" is a greater inclusive grouping based on sovereignty, i. e., political subdivisions, and "State" is a lesser included subgrouping based on administrative subdivisions of State; thus, "State" is but one of public entities listed in the definition of public entity. N.J.S.A. 59:1–3.—Wade v. New Jersey Turnpike Authority, 332 A.2d 232, 132 N.J.Super. 92.—States 112(2).

N.J.Co. 1956. In statute prohibiting transportation of unstamped cigarettes without invoices or delivery tickets showing true name of consignee or purchaser and true name and address of person who is to assume the payment of state tax at the point of ultimate destination, word "state" is not limited to the State of New Jersey but includes any state in the union. N.J.S.A. 54:40A–32.—Neeld v. Giroux, 126 A.2d 63, 42 N.J.Super. 216, reversed 131 A.2d 508, 24 N.J. 224.—Tax 1342.

N.M. 1925. "State" defined.—State ex rel. Otto v. Field, 241 P. 1027, 31 N.M. 120.—States 1.

N.Y. 1993. Limited-profit housing company that dissolved so as to "go private" failed to establish either that statutory exception from surplus payback requirement for projects aided by "state" loan was contrary to true legislative intent or that inclusion of limiting term "state" was clerical error such that term could be disregarded and exception could be applied to project aided by loan from city; legislative history of statute equally supported conclusion that limiting exception to state-aided projects was considered decision of legislature, and insertion of word "state" was not typical drafting mistake, i.e., typographical error, misspelling, or transposition of letters or numerals. McKinney's Private Housing Finance Law § 35, subd. 3.—Branford House, Inc. v. Michetti, 603 N.Y.S.2d 290, 81 N.Y.2d 681, 623 N.E.2d 11.—Mun Corp 884.

N.Y. 1959. Section of the State Finance Law requiring separate specifications and separate contracts for (1) plumbing and gas fitting, (2) steam heating, hot water heating, ventilating, and air conditioning apparatus, and (3) electric wiring and standard illuminating fixtures, in "State" contracts for construction of buildings does not apply to New York State Thruway Authority since it enjoys an existence separate and apart from the "State," even though it exercises a governmental function. Public Authorities Law, §§ 352–354, 357, 361, 361–b, 366; Const. art. 10, § 6; State Finance Law, § 135; Public Housing Law, § 151–a; General Municipal Law, § 101.—Plumbing, Heating, Piping & Air Conditioning Contractors Ass'n, Inc., v. New York State Thruway Authority, 185 N.Y.S.2d 534, 5 N.Y.2d 420, 158 N.E.2d 238.—Turnpikes 17.

N.Y. 1883. "State," as used in the title of an act to provide for raising taxes for the use of the state, must be construed in contradistinction to the term "local"; for, while the term "state" is used to designate the whole body politic, comprising the people and its territorial jurisdiction, it is also sometimes used to designate the agencies employed in administering the government, which would doubtless include within its signification local, as well as the properly so called state, officers. When, however, it is used in reference to the subject of taxation, it is used in contradistinction to the term "local," and hence an act which is expressly described as being intended to raise a revenue for the state cannot be construed as covering the subject of the support for a local object, such as lighting streets in a city by its municipal officers.—People ex rel. Westchester F. Ins. Co. v. Davenport, 91 N.Y. 574.

N.Y.A.D. 1 Dept. 1999. City department of social services acts as an agent for State Department of Social Services in administering social services programs, and, thus, falls within the definition of "State" under Equal Access to Justice Act. McKinney's CPLR 8602(g).—Tormos v. Hammons, 687 N.Y.S.2d 336, 259 A.D.2d 434.—States 215.

N.Y.A.D. 1 Dept. 1953. Under tax law providing that property of this state shall be exempt from taxation, the word "state" includes state agencies. Tax Law, § 4, subd. 2.—State Ins. Fund v. Boyland, 125 N.Y.S.2d 169, 282 A.D. 516, affirmed 133 N.E.2d 457, 309 N.Y. 1009.—Tax 213.

N.Y.A.D. 1 Dept. 1928. Statutes authorizing enforcement of divorce decree of another "state" for adultery as domestic judgment held inapplicable to decrees of foreign countries. Civil Practice Act, §§ 1171, 1172.—Boissevain v. Boissevain, 231 N.Y.S. 529, 224 A.D. 576, affirmed as modified 169 N.E. 130, 252 N.Y. 178.—Divorce 355.

N.Y.A.D. 2 Dept. 1982. Quebec, Canada is not "state" within meaning of definitional section of statute governing uniform child custody jurisdiction. McKinney's DRL § 75–c, subd. 10.—Massey v. Massey, 452 N.Y.S.2d 101, 89 A.D.2d 566.—Child C 920.

N.Y.A.D. 3 Dept. 1985. "The State" and the "the People of the State of New York" are equivalent expressions, the latter being the usual and accepted one to designate the political entity called the "State".—State v. Home Indem. Co., 483 N.Y.S.2d 834, 106 A.D.2d 124, affirmed 495 N.Y.S.2d 969, 66 N.Y.2d 669, 486 N.E.2d 827.—States 1.

N.Y.A.D. 3 Dept. 1968. There is no sound basis for discarding usual sense of word "State" as meaning every state of United States and every territory of United States and District of Columbia in construing what is meant by that word as used in unemployment insurance law provision providing coverage for service performed both within and without state if service is localized in state. General Construction Law, § 47; Labor Law § 511, subd. 2.—Kunz v. Catherwood, 294 N.Y.S.2d 103, 30 A.D.2d 459.—Social S 302.

N.Y.A.D. 3 Dept. 1957. Section of State Finance Law requiring separate specifications and separate contracts for (1) Plumbing and gas fitting, (2) steam heating, hot water heating, ventilating and air conditioning apparatus, and (3) electric wiring and standard illuminating fixtures, in contracts for construction of buildings for the "State" does not apply to New York State Thruway Authority, since it is not the "State" but is a separate and distinct corporate entity. State Finance Law, § 135; Public Authorities Law, §§ 350–375, 352, 361–b, 1302.—Plumbing, Heating, Piping and Air Conditioning Contractors Ass'n v. New York State Thruway Authority, 167 N.Y.S.2d 756, 4 A.D.2d 541, appeal granted 170 N.Y.S.2d 317, 5 A.D.2d 797, appeal granted 173 N.Y.S.2d 1025, 4 N.Y.2d 676, 149 N.E.2d 538, affirmed 185 N.Y.S.2d 534, 5 N.Y.2d 420, 158 N.E.2d 238.—Turnpikes 17.

N.Y.Sup. 1988. New York court could not decline to exercise "jurisdiction" over divorce and child custody action on grounds that New York was an inconvenient forum, and that Israel was a more appropriate forum as Israel was not a "state" within the meaning of statutory requirement that the New York court find the "court of another state" to be a more appropriate forum. McKinney's DRL §§ 75–c, subds. 5, 10, 75–h.—Klien v. Klien, 533 N.Y.S.2d 211, 141 Misc.2d 174.—Child C 816.

N.Y.Sup. 1964. In its largest sense, a "state" is a body politic or a society of men.—Beagle v. Motor Vehicle Acc. Indemnification Corp., 254 N.Y.S.2d 763, 44 Misc.2d 636, reversed 274 N.Y.S.2d 60, 26 A.D.2d 313, appeal dismissed 280 N.Y.S.2d 399, 19 N.Y.2d 834, 227 N.E.2d 313.—Intern Law 3.

N.Y.Sup. 1963. An action for determination of claims to realty could not be maintained against the Thruway Authority in view of failure of the Legislature to confer jurisdiction of such an action on the court of claims or the Supreme Court, and in view of fact that the Thruway Authority, although an arm or agency of the state, was not the "state" within statute permitting an action for determination of claims to realty to be brought against the state. Real Property Law, §§ 500 et seq., 508.—Highway Displays, Inc. v. People, 241 N.Y.S.2d 887, 39 Misc.2d 703.—Turnpikes 4.

N.Y.Sup. 1938. The section of the Vehicle and Traffic Law providing for service of summons on the secretary of state, and requiring delivery of a duplicate copy of the summons with the complaint annexed thereto to the defendant personally "without the state" by an attorney qualified to practice in that "state," did not authorize service on a defendant in Canada, since the mention of the specific territory embraced within the statute implied the exclusion of other territories. Vehicle and Traffic Law, § 2, subd. 16; § 52; General Construction Law, § 47.—Scott v. Dickerson, 8 N.Y.S.2d 656, 169 Misc. 1047.—Autos 235(3).

N.Y.Sup. 1927. Provisions of Civil Practice Act, §§ 1171, 1172, authorizing court to apply same remedies for enforcement of judgment of separation or divorce rendered in another "state" on ground of adultery, and requiring payment of alimony, as are available for the enforcement of a domestic judgment, held to include divorce decrees granted in foreign countries; word "state" being used in its generic sense of a sovereign body politic, whether that sovereign body politic be a state of the United States or a foreign country, and not being restricted to the definition in General Construction Law, § 47.—Boissevain v. Boissevain, 223 N.Y.S. 616, 130 Misc. 161, reversed 231 N.Y.S. 529, 224 A.D. 576, affirmed as modified 169 N.E. 130, 252 N.Y. 178.—Divorce 397(1).

N.Y.Sup. 1927. Provision of Civil Practice Act, § 1171, that court may, in its discretion, apply same remedies for enforcement of judgment of separation or divorce, rendered in another "state" on ground of adultery, requiring husband to provide for education or maintenance of children, as are available for enforcement of domestic judgment, is broad enough to cover divorce decrees of any foreign country, and is not limited to states of the United States.—Boissevain v. Boissevain, 220 N.Y.S. 579, 129 Misc. 5.—Child S 528.

N.Y.Sup. 1918. In view of General Construction Law, § 47, the word "state," in Code Civ. Proc. § 443, subd. 5, providing that a summons may be personally served without the state by an attorney and counselor duly qualified to practice in the state, refers only to the states of the United States, its territories, the District of Columbia, and does not include a colony of the Dominion of Canada.—Fair v. Kenny, 171 N.Y.S. 694, 103 Misc. 412.—Proc 109.

N.Y.Sup. 1907. Code Civ.Proc. §§ 1667, 1668, providing for treble damages for the cutting of trees, do not relate to damages to trees on lands of the state. The operation of the statute is limited to the lands of persons, and of cities, villages and towns, and does not extend to lands of the state. The "state" is a political corporate body, If treble damages had been intended as to the cutting of trees on its land, it would have been named. It is not a person within the meaning of the word as there employed. Not being within the list of corporate bodies therein mentioned the state may not be regarded as included within its provisions.—People v. Bennett, 107 N.Y.S. 406, 56 Misc. 160, affirmed 109 N.Y.S. 1140, 125 A.D. 912.

N.Y.Sup. 1848. "Show," as used in Code, § 182, requiring an affidavit to "show" that the property seized under execution was exempt from such seizure, means to prove or to manifest, and hence requires the affidavit to set out the facts which show that the property is exempt; and the word is not synonymous with "state," since stating is simply alleging, while showing consists in the disclosure of the facts that the property is exempt.—Spalding v. Spalding, 1 Code Rep. 64, 3 How.Prac. 297.

N.Y.Sup. 1844. Sess.Laws 1832, p. 26, § 42, incorporating the city of Utica, and providing that all actions brought to recover any penalty or forfeiture shall be brought in the corporate name, and in any such action it shall be lawful to declare generally in debt for such penalty or forfeiture, "stating the section" of the act or ordinance under which the penalty is claimed, does not require that the contents of the section be set forth, but is synonymous with "referring," and a reference to the section by number is sufficient. Webster defines the verb "state" as to detail; but it may mean to set down in gross, Webster not being considered a very fit authority by which to test the force of the word in a statute concerning pleading.—City of Utica v. Richardson, 6 Hill 300.

N.C.App. 2001. New York Convention on the Recovery Abroad of Maintenance gave England reciprocal status with North Carolina on issue of child support, and, thus, England was a "state" for purposes of application of the Uniform Interstate Family Support Act (UIFSA) to register a British child support order in North Carolina, even though the United States was not a signatory nation to the treaty. G.S. § 52C-1-101(19).—Foreman v. Fore-

man, 550 S.E.2d 792, 144 N.C.App. 582, review denied 553 S.E.2d 38, 354 N.C. 68.—Child S 500.

N.D. 1907. A "state" has been defined as "a body politic or a society of men united together for the purpose of promoting their mutual comfort and advantage by the joint efforts of their combined strength, * * * as a self-sufficient body of persons united together in one community for the defense of their rights and for other purposes. In this sense 'state' means the whole people united together in one body politic. It must be an organization of the people for political ends. It must permanently occupy a fixed territory. It must possess an organized government capable of making and enforcing the law within the community. * * * A community cannot be considered a 'state' if the government is permanently incapable of enforcing its own laws."—Ex parte Corliss, 114 N.W. 962, 16 N.D. 470.

Ohio 1993. State historical society was not the "state" and thus not a "public employer" subject to jurisdiction of State Employment Relations Board (SERB) on that basis; society was not a government entity, but rather a private, not-for-profit corporation created by a group of individuals in their capacities as private citizens. R.C. § 4117.01(B).—Ohio Historical Soc. v. State Emp. Relations Bd., 613 N.E.2d 591, 66 Ohio St.3d 466, 1993-Ohio-182.—Labor 62.

Ohio 1924. The District of Columbia is not a "state" in the ordinary sense that states of the Union are those political communities exercising various attributes of sovereignty, which compose the United States–as distinguished from organized municipalities, known as territories and the District of Columbia. It is not a sovereignty; the federal government is the sovereign. The District of Columbia is a part of the United States, and, in a certain sense, an agency of the national government, and yet it is not a department thereof, but is a municipal corporation differing in many important respects from the ordinary municipal corporations. However, the District is a separate political entity, and therefore is in a very qualified sense regarded by the courts as a state.—Symons v. Eichelberger, 144 N.E. 279, 22 Ohio Law Rep. 93, 110 Ohio St. 224, 2 Ohio Law Abs. 308.

Ohio 1853. When the Constitution speaks of the "state," the whole state, in her political capacity, and not her subdivisions, is intended. Such is the natural import of the word, and such must be its construction in making the Constitution consistent with itself and reasonable.—Cass v. Dillon, 2 Ohio St. 607.

Ohio App. 1 Dist. 1950. Corporation which was incorporated and existing under the laws of the Philippines was a "foreign corporation" within meaning of a section of the Foreign Corporations Act providing that a "foreign corporation" shall mean a corporation incorporated under the laws of another state, and defining a "state" as any state, territory, insular possession, or other political subdivision of the United States, and any foreign country. Gen.Code, § 8625–2.—Perkins v. Benguet Consol. Min. Co., 95 N.E.2d 5, 88 Ohio App. 118, 44 O.O. 104, 57 Ohio Law Abs. 533, affirmed 98 N.E.2d 33, 155 Ohio St. 116, 44 O.O. 125, certiorari granted 72 S.Ct. 33, 342 U.S. 808, 96 L.Ed. 611, vacated 72 S.Ct. 413, 342 U.S. 437, 47 O.O. 216, 63 Ohio Law Abs. 146, 96 L.Ed. 485, rehearing denied 72 S.Ct. 645, 343 U.S. 917, 96 L.Ed. 1332.—Corp 632.

Ohio App. 2 Dist. 1940. The "State" means the whole people united in one body politic, and the "State" and the "people of the State" are equivalent expressions.—Wiesenthal v. Wickersham, 28 N.E.2d 512, 64 Ohio App. 124, 17 O.O. 482.

Ohio App. 10 Dist. 1987. A court of common pleas was not within the definition of "state" under statute waiving state's immunity to suit and was not subject to joinder in court of claims. R.C. §§ 2743.01(A, B), 2743.02(A); Rules Civ.Proc., Rule 20(A).—Dalton v. Bureau of Criminal Identification and Investigation, 530 N.E.2d 35, 39 Ohio App.3d 123.—States 184.10, 191.10.

Ohio App. 11 Dist. 1989. County board of elections was not part of "state" within statute providing for award of attorney's fees in favor of prevailing eligible party in action or appeal involving state. R.C. §§ 2335.39, 2335.39(A)(6).—Knight v. Trumbull Cty. Bd. of Elections, 583 N.E.2d 1328, 65 Ohio App.3d 317.—Mand 190.

Or. 1969. Municipal corporation is "state" within meaning of constitutional provision governing immunity of state from suit. Const. art. 4, § 24.—Hale v. Smith, 460 P.2d 351, 254 Or. 300.—Mun Corp 1016.

Or. 1935. Property cannot be held exempt from taxation as property owned by "state," unless fee is vested in state or state's beneficial interest is exclusive of equities of nonexempt persons. Code 1930, § 35–4701 (repealed, Laws 1945, ch. 449, § 2); ORS 307.010, 307.030, 307.040 et seq.—Security Savings & Trust Co. v. Lane County, 53 P.2d 33, 152 Or. 108.—States 85; Tax 213.

Or. 1935. Property owned by University of Oregon, in absence of qualifying language in conveyance, is exempt from taxation as property owned by "state". Code 1930, §§ 35–4701 (repealed, Laws 1945, ch. 449, § 2); ORS 307.040 et seq.—Security Savings & Trust Co. v. Lane County, 53 P.2d 33, 152 Or. 108.—Colleges 6(1); Tax 242(2.1).

Or. 1935. Property conveyed to a private corporation in trust for maintenance of chair of instruction in University of Oregon held not exempt from taxation as property owned by "state" where state's beneficial interest was subject to payment of expenses, annuities, mortgage installments, and notes, without immediate prospect of state's deriving any benefit, where control of property was mainly withheld from both state and trustee, and where income, if received by state, would be subject to control of committee of faculty members created by trust indenture. Code 1930, §§ 35–4701 (repealed, Laws 1945, ch. 449, § 2); ORS 307.010, 307.030, 307.040 et seq.—Security Savings & Trust Co. v. Lane County, 53 P.2d 33, 152 Or. 108.—Colleges 6(1); Tax 242(2.1).

Or. 1925. U.S.C.A.Const. Amend. 14, § 1, providing that no "state" shall deprive any person of life, liberty, or property without due process of law, nor deny any person within its jurisdiction equal protection of the laws includes not only state itself but also all governmental agencies authorized by state, such as municipal corporations, like cities and towns.—George v. City of Portland, 235 P. 681, 114 Or. 418, 39 A.L.R. 341.—Const Law 213(1), 254(2).

Or.App. 1997. Japan was not a "state" within meaning of Uniform Child Custody Jurisdiction Act (UCCJA). ORS 109.760.—Matter of Marriage of Horiba, 950 P.2d 340, 151 Or.App. 489, review denied 964 P.2d 1029, 326 Or. 627.—Child C 702.

Or.App. 1997. Definition of "state," as set forth in Uniform Child Custody Jurisdiction Act (UCCJA), does not include foreign nations. ORS 109.760.—Matter of Marriage of Horiba, 950 P.2d 340, 151 Or.App. 489, review denied 964 P.2d 1029, 326 Or. 627.—Child C 802.

Pa. 1989. Pennsylvania residents were not entitled to credit against their local wage tax for earned income taxes paid to another country; the word "State," as used within the tax credit provisions, could not be given broad generic interpretation, but rather, was limited to "States" of the United States. 53 P.S. § 6914.—O'Reilly v. Fox Chapel Area School Dist., 555 A.2d 1288, 521 Pa. 471.—Tax 1045.1.

Pa. 1936. Word "state" within constitutional provision "nor shall any State deprive any person of life, liberty, or property, without due process of law," *held* to include decision of courts. U.S.C.A.Const. Amend. 14, § 1.—Commissioners of Sinking Fund of City of Philadelphia v. City of Philadelphia, 188 A. 314, 324 Pa. 129, 113 A.L.R. 202.—Const Law 315.

Pa.Cmwlth. 1987. Word "state" in Local Tax Enabling Act provision creating credit for payment of tax on income to any other state, does not include foreign countries. 53 P.S. §§ 6901 et seq., 6914.—O'Reilly v. Fox Chapel Area School Dist., 527 A.2d 581, 106 Pa.Cmwlth. 516, appeal granted 538 A.2d 501, 517 Pa. 619, affirmed 555 A.2d 1288, 521 Pa. 471.—Tax 1047.

S.D. 1920. Fees of witnesses who appeared before referee in behalf of prosecution in proceedings to disbar attorney, fees for serving subpoenas, and expenses of taking depositions on behalf of prosecution for use before referee *held* within term "costs of a reference in such proceedings" so as to be chargeable, under Rev. Code 1919, § 5278, to county to which proceedings are referred for trial, despite section 5279 wherein word "state" embraces "county."—In re Morrison, 177 N.W. 806, 43 S.D. 42.—Counties 137.

Dakota Terr. 1882. The word "state," used in the cases deciding questions as to the home port of a vessel, refers to the jurisdiction, and not merely to a sovereignty, and cannot have greater significance than the words "jurisdiction," or "county," or "territory."—The General Terry, 13 N.W. 533, 3 Dak. 155.

Tenn. 1866. The word "state" in its most enlarged sense means the people composing a particular nation and community. In this sense the state means the whole state or community united into one body politic, and "state" and "people of the state" are synonymous expressions.—Union Bank v. Hill, 43 Tenn. 325, 3 Cold. 325.

Tenn.Ct.App. 1998. Hospital district, which was a quasi-governmental entity created by private act, was not the "state" within meaning of provision of State Constitution prohibiting state from becoming stockholder with others in any association, company, corporation, or municipality. Const. Art. 2, § 29; Priv.Acts 1949, c. 686, § 3.—Eye Clinic, P.C. v. Jackson-Madison County General Hosp., 986 S.W.2d 565, appeal denied.—Health 233.

Tex. 1993. "State," as used in statute providing that right of action of "state," county, incorporated city or town or school district is not barred by certain statutes, does not include political subdivisions; it was intent of legislature to include within "state" only those entities having statewide jurisdiction. V.T.C.A., Civil Practice & Remedies Code § 16.061.—Monsanto Co. v. Cornerstones Mun. Utility Dist., 865 S.W.2d 937, on remand 889 S.W.2d 570, rehearing overruled, and writ denied.—States 1.

Tex.Crim.App. 1927. "Show" in statute requiring that affidavit for warrant to search private dwelling for intoxicating liquors show that it is place where law was violated is not synonymous with "state" in affidavit stating that affiants had grounds for belief, etc. (Vernon's Ann.P.C. art. 691; Vernon's Ann.C.C.P. art. 222, subd. 2).—Chapin v. State, 296 S.W. 1095, 107 Tex.Crim. 477.—Int Liq 248.

Tex.Civ.App.–Austin 1953. A. & M. college is included within the words this "State" as used in statute requiring any firm contracting with "this State" to execute bond for payment of labor and material suppliers; and fact that construction project in connection with which contract is let, is to be financed by revenue bonds does not render statute inapplicable. Vernon's Ann.Civ.St. art. 5160.—Allis-Chalmers Mfg. Co. v. Curtis Elec. Co., 259 S.W.2d 918, reversed in part 264 S.W.2d 700, 153 Tex. 118.—States 101.

Tex.Civ.App.–San Antonio 1957. Board charged with management of pension funds of firemen, policemen and fire alarm operators of city of San Antonio is not "state", "county", "city", "town" or any other "political corporation" or "political subdivision" of state, and consequently statute authorizing board to invest such funds in investment trust shares which represent interest in stock in private corporation is not violative of constitutional provisions prohibiting such entities from lending to individuals or corporations and prohibiting county, city or other municipal corporation from subscribing to capital of private corporation. Vernon's Ann.Civ.St. art. 6243f, §§ 6, 17; Vernon's Ann.St.Const. art. 3, §§ 50, 52; art. 11, § 3.—Bolen v. Board of Firemen, Policemen and Fire Alarm Operators' Trustees of

San Antonio, Tex., 308 S.W.2d 904, writ refused.—Counties 153.5, 154(1); Mun Corp 870, 873.

Tex.Civ.App. 1911. Act Cong. June 29, 1906, c. 3591, § 7, 34 Stat. 595, amending Hepburn Commerce Act Feb. 4, 1887, c. 104, § 20, 24 Stat. 386 [49 USCA § 20], provides that any common carrier receiving property for transportation from a point in one state to a point in another state shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property, caused by it or by any connecting carrier, to which the property may be delivered, or over whose line or lines the property may pass, and that no contract, rule, receipt, or regulation shall exempt any such carrier from the liability so imposed. *Held,* that the word "state" was used in such provision in its limited sense to represent and include only the states of the federal Union, and that such section had no application to a shipment of cotton from a point in Texas to a foreign country.—Houston East & West Texas Ry. Co. v. Inman, Akers & Inman, 134 S.W. 275, 63 Tex.Civ.App. 556.—Carr 180(2).

Vt. 1891. The word "state" in the statute applies to a foreign state as well as one of the United States.—Foster v. Stevens, 22 A. 78, 63 Vt. 175, 13 L.R.A. 166.—Tax 239.

Va. 1936. The federal government is a "state," within Acts 1918, c. 400, § 37, subsec. (b), precluding total compensation greater than provided for in act, if employee received compensation or damages under laws of any other "state."—City of Alexandria v. McClary, 188 S.E. 158, 167 Va. 199.

Va. 1920. Policemen are "state" and not "municipal" officers.—Sherry v. Lumpkin, 102 S.E. 658, 127 Va. 116.—Mun Corp 180(1).

Wash. 1976. Section of Rule providing for evidentiary hearing in superior court on application for postconviction relief which has language indicating that indigent petitioner shall be provided counsel "at the state's expense" refers to "state" only in generic sense and embraces not only state but its political subdivisions. CrR 7.7, 7.7(e).—State v. Durham, 550 P.2d 685, 87 Wash.2d 206.—Mun Corp 262.

Wash.App. Div. 3 1973. Term "state" as used in rules providing when a state may appeal in a criminal case is all inclusive and intended to include not only the state but its political subdivisions, counties and cities. CAROA 14, 46, 46(b)(1).—Spokane County v. Gifford, 513 P.2d 301, 9 Wash.App. 541, review denied Spokane, Respondent v. Gifford, Petitioner,, 83 Wash.2d 1004.—Crim Law 1024(1).

Wash.App. Div. 3 1973. Term "state" as used in rules providing when a state may appeal in a criminal case is all inclusive and intended to include not only the state but its political subdivisions, counties and cities. CAROA 14, 46, 46(b)(1).—Spokane County v. Gifford, 513 P.2d 301, 9 Wash.App. 541, review denied Spokane, Respondent v. Gifford, Petitioner,, 83 Wash.2d 1004.—Mun Corp 642(2).

Wash.Terr. 1869. A territory is not a state, nor are the words "territory" and "state" used as synonymous or convertible terms in the acts of Congress. For instance, in 1853, Congress passed "An act regulating the fees and costs in the several states." By act of 1855 Congress extended the provisions of the act of 1853 to the territories "as fully in all particulars as they would be had the word 'territories' been inserted after the word 'states,'" and the act had read in the several states and territories of the United States.—Smith v. U.S., 1 Wash.Terr. 262.

W.Va. 1995. Department of Natural Resources is not "political subdivision," but instead is "state" department or agency. Code, 20–1–3, 29–12A–3(c, e).—Clark v. Dunn, 465 S.E.2d 374, 195 W.Va. 272.—States 45.

W.Va. 1985. Regulation of intrastate prices for natural gas by legislatively created Public Service Commission, rather than by legislature itself, was regulation by the "state" for purposes of section of the Natural Gas Policy Act authorizing state regulation for first sale of natural gas produced in that state. Natural Gas Policy Act of 1978, § 602(a), 15 U.S.C.A. § 3432(a).—Pennzoil Co. v. Public Service Com'n, 327 S.E.2d 444, 174 W.Va. 464, certiorari denied 106 S.Ct. 74, 474 U.S. 822, 88 L.Ed.2d 60.—Gas 14.3(1).

Wis. 1938. The statute authorizing Wisconsin Development Authority to use state funds appropriated for its use to survey facilities available for furnishing of light, heat, water, and power in state, and to make surveys for co-ordination of water power and fuel power developments with regulation of rivers for water supply, navigation, flood control, soil conservation, public health, and recreational uses properly authorized use of funds for both a "state" and a "public purpose." St.1937, § 199.03(5); Const.art. 8, § 5.—State ex rel. Wisconsin Development Authority v. Dammann, 280 N.W. 698, 228 Wis. 147.—States 114.

Wis. 1938. The portion of statute appropriating state funds for use by Wisconsin Development Authority which authorized use of funds to promote or encourage organization of municipal power districts, co-operative associations, and nonprofit corporations to engage in utility businesses properly appropriated funds for "state" and "public purposes." St.1937, § 199.03(1, 2); Const.art. 8, § 5.—State ex rel. Wisconsin Development Authority v. Dammann, 280 N.W. 698, 228 Wis. 147.—States 114.

Wis.App. 1981. The word "state," within statute providing a mechanism whereby a probationer may establish residency in a jurisdiction not a member of the compact, must be read as meaning any state of the United States. W.S.A. 57.135.—State v. Dean, 306 N.W.2d 286, 102 Wis.2d 300, appeal after remand 330 N.W.2d 630, 111 Wis.2d 361.—Sent & Pun 1971(3).

Wyo.Terr. 1890. Under statute requiring that affidavit for attachment "show" good reason to believe that defendants fraudulently contracted debt on which they are sued, "show" is not synonymous with "state" or "alleged", and statute means that plaintiff must exhibit a good reason for belief,

or make apparent or clear by affidavits that he had a good reason to believe, that defendant has fraudulently contracted the debt.—First Nat. Bank of Cheyenne v. Swan, 23 P. 743, 3 Wyo. 356.—Attach 47(4).

Wyo.Terr. 1890. "Showing," as used in Rev.St. § 2870, authorizing an attachment on the filing of the affidavit of plaintiff showing certain facts, is not synonymous with to "state" or "allege," but requires that the plaintiff shall exhibit a good reason for his belief, or shall make apparent or clear by affidavit that he has good reason to believe the alleged facts.—First Nat. Bank of Cheyenne v. Swan, 23 P. 743, 3 Wyo. 356.

STATE A CAUSE OF ACTION

N.D.Ill. 1973. Complaint alleging that plaintiff was beaten and otherwise deprived of his civil rights by city police officers and others failed to "state a cause of action" against the city under the Civil Rights Acts of 1870 and 1871. 42 U.S.C.A. §§ 1981, 1983, 1985, 1986.—Boyden v. Troken, 358 F.Supp. 906.—Civil R 235(5.1).

STATE ACCREDITED PERSONNEL

C.A.10 (Colo.) 1967. Even though Colorado Supreme Court held that "chiropractors" were included in phrase "state accredited personnel" within meaning of Colorado statute providing for special education services for handicapped children examined by "state accredited personnel," Colorado State Board of Education rule that eligibility for special education services be certified by physician licensed to practice medicine did not deprive student, whose application Board refused to approve because it bore certificate of eligibility signed by chiropractor, of "equal protection" of the laws under civil rights statute forbidding conspiracy to interfere with civil rights. 42 U.S.C.A. § 1985(3); U.S.C.A.Const. Amend. 14; C.R.S. '63, 123–22–1 et seq.—Flemming v. Adams, 377 F.2d 975, certiorari denied 88 S.Ct. 219, 389 U.S. 898, 19 L.Ed.2d 216.—Consp 1.1, 7.5(2).

STATE ACT DOCTRINE

C.A.6 (Mich.) 2002. Under "state act doctrine," states, as sovereigns, are exempt from antitrust liability under Sherman Act. Sherman Act, § 1 et seq., as amended, 15 U.S.C.A. § 1 et seq.—Michigan Paytel Joint Venture v. City of Detroit, 287 F.3d 527.—Monop 12(15.6).

STATE ACTION

U.S. 2001. Private action will be considered to be "state action" for purposes of Fourteenth Amendment if, though only if, there is such close nexus between state and challenged action that seemingly private behavior may be fairly treated as that of state itself. U.S.C.A. Const.Amend. 14.—Brentwood Academy v. Tennessee Secondary School Athletic Ass'n, 121 S.Ct. 924, 531 U.S. 288, 148 L.Ed.2d 807, on remand 262 F.3d 543, rehearing en banc denied, certiorari denied 122 S.Ct. 1439, 152 L.Ed.2d 382.—Const Law 82(5).

U.S. 2001. Regulatory enforcement action by state interscholastic athletic association was "state action" for purposes of Fourteenth Amendment, despite association's nominally private character, in light of pervasive entwinement of public institutions and public officials in its composition and workings; public schools constituted 84% of its membership, half of council and board meetings were held during official school hours, public schools provided for association's financial support by giving up sources of their own income, state board of education members served as members of association's governing boards, and association's ministerial employees were eligible for membership in state retirement system. U.S.C.A. Const.Amend. 14.—Brentwood Academy v. Tennessee Secondary School Athletic Ass'n, 121 S.Ct. 924, 531 U.S. 288, 148 L.Ed.2d 807, on remand 262 F.3d 543, rehearing en banc denied, certiorari denied 122 S.Ct. 1439, 152 L.Ed.2d 382.—Const Law 82(5).

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