OFFICIAL OPINION NO. 1

January 21, 1957

Honorable Paul L. Myers, Chairman
State Board of Corrections
210 State House
Indianapolis 4, Indiana

Dear Mr. Myers:

This is in answer to a request for my Official Opinion from your predecessor, which poses the following problem:

The 84th Congress, by enactment of Public Law 970, broadened the Crime Control Consent Act so that Alaska, Hawaii, Puerto Rico, the Virgin Islands and the District of Columbia may become members of the compact. We are attaching the enclosed copy of Public Law 970 and submit it for your opinion as to whether the word "States" as used in Chapter 289 of the Acts of 1935 (Burns' 9-3001 to 9-3004), may be construed as meaning and including the above mentioned territories and possessions.

Public Law No. 970, which you attached to your letter, reads as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 111 of title 4 of the United States Code is amended by inserting '(a)' before 'The consent of Congress' and by adding at the end thereof the following new subsection:

"'(b) For the purpose of this section, the term "States" means the several States and Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia.'"

Although there are exceptions in certain specific cases, the general rule is that the words "States of the United States" do not include the various territories or the District of Columbia. 49 Am. Jur., Territories and Dependencies, § 5. The intent of Congress in this regard is demonstrated by the fact that they saw fit to pass the above quoted Public Law No. 970, supra.
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2 R. S. 1852, Ch. 17, Burns' (1946 Repl.), Section 1-201 provides, in part, as follows:

"The construction of all Statutes of this State shall be by the following rules, unless such construction be plainly repugnant to the intent of the legislature or of the context of the same statute: * * * The word 'State,' applied to any one of the United States, shall include the District of Columbia and the several territories; and the words 'United States' shall include the said district and territories."

However, Chapter 289 of the Acts of 1935 was passed pursuant to the original Federal statute, same being 4 U. S. C. A. § 111, and the Indiana statute expressly limits the Governor's power to that compact "entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an Act entitled 'An act granting the consent of Congress to any two (2) or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes.'"

The intent of the Indiana Legislature was no doubt to limit the Governor's power in this respect strictly to terms of the original Federal statute which was itself limited to the 48 states. Since the amendment to that Federal statute with which we are here concerned was adopted subsequent to the passage of the Indiana Act, it appears that the Federal amendment could in no way broaden the powers of the Governor of Indiana as designated by the Legislature.

It is, therefore, my conclusion that further legislation will be necessary in Indiana to authorize the making of compacts with the various territories and the District of Columbia, as described in Public Law No. 970, supra.