October 28, 1976

ATTORNEY GENERAL OPINION NO. 76-331

The Honorable Robert F. Bennett
Governor of Kansas
2nd Floor - State Capitol Building
Topeka, Kansas 66612

Re: Military Reservations--United States--Acceptance of Exclusive Legislative Jurisdiction

Synopsis: Under K.S.A. 75-107, the Governor is empowered to acknowledge acceptance by the United States of exclusive legislative jurisdiction over federal military reservations in the state, and no further steps are required to perfect the cession of such jurisdiction.

Dear Governor Bennett:

I have your letter of October 25, 1976, enclosing a copy of a letter, dated October 15, 1976, which you have received from Acting Secretary of the Army, Norman R. Augustine.

Secretary Augustine advises that in 1965, the United States acquired 46,320.27 acres of land, on conjunction with the Fort Riley Military Reservation, over which it seeks to exercise exclusive legislative jurisdiction, excluding therefrom all those parts of U.S. 77, and Kansas Highway 82 which cross the area, and a road from that highway to Milford Cemetery, as shown on a map enclosed with his letter. His letter is stated to constitute notice pursuant to 40 U.S.C. § 255 that the United States accepts exclusive legislative jurisdiction thereunder in accordance with K.S.A. 27-102, and he asks that you execute a duplicate copy of the letter acknowledging its receipt and return it to his office. You request my advise concerning the appropriate response to his request.
K.S.A. 75-107 states thus:

"The governor shall transact all the business of the state, civil and military, with the general government, except in cases otherwise specifically provided by law."

In Opinion No. 74-357, Attorney General Vern Miller concluded that under this provision, it was within the authority of the Governor to acknowledge and accept a retrocession of exclusive legislative jurisdiction from the United States to the State of Kansas. A copy of that opinion is enclosed for your information. Under the same authority, in my judgment, you are empowered to acknowledge the United States' acceptance of jurisdiction which was ceded by the legislature in the enactment of K.S.A. 27-102. Accordingly, I recommend that you acknowledge receipt of the notice as requested. No further steps need to taken to perfect the United States' acceptance of exclusive legislative jurisdiction over the property in question.

Yours very truly,

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj