



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

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 exclu-
sive 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 re-
turn it to his office. You request my advise concerning the
appropriate response to his request.

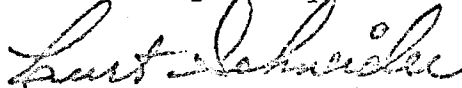
The Honorable Robert F. Bennett
Page Two
October 28, 1976

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 be 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