

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

June 28, 1978

ATTORNEY GENERAL OPINION NO. 78-217

Mr. Merle R. Bolton
Commissioner of Education
Kansas State Department of Education
120 East 10th Street
Topeka, Kansas 66612

Re: Proprietary Schools--Licensure--Military Reservations

Synopsis: The State of Kansas is without jurisdiction to require licensure of a proprietary school without its borders and which solicit business solely on military reservations.

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Dear Mr. Bolton:

You inquire whether a proprietary school operation, without the geographical boundaries of the State of Kansas, but soliciting business on military reservations within the state is subject to the provisions of the Kansas Proprietary School Act.

In our view, this question is clearly answered upon consideration of the provisions of K.S.A. 27-101 and 27-102. K.S.A. 27-101 provides as follows:

"That the consent of the state of Kansas is hereby given in accordance with the provisions of paragraph number seventeen, section eight, article one of the constitution of the United States, to the acquisition by the United States by purchase, condemnation or otherwise, of any

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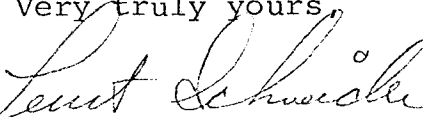
land in the state of Kansas, which has been, or may hereafter be, acquired for custom houses, courthouses, post offices, national cemeteries, arsenals, or other public buildings, or for other purpose of the government of the United States."

And K.S.A. 27-102 provides as follows:

"That exclusive jurisdiction over and within any lands so acquired by the United States shall be, and the same is hereby, ceded to the United States, for all purposes; saving, however, to the state of Kansas the right to serve therein any civil or criminal process issued under the authority of the state, in any action on account of rights acquired, obligations incurred or crimes committed in said state, but outside the boundaries of such land; and saving further to said state the right to tax the property and franchises of any railroad, bridge or other corporations within the boundaries of such lands; but the jurisdiction hereby ceded shall not continue after the United States shall cease to own said lands."

Further, it is clear by the terms of K.S.A. 27-104 and 27-105 that Fort Leavenworth and Fort Riley are included within the terms of this cession of jurisdiction.

Therefore, the State of Kansas has no jurisdiction to provide for the licensure and regulation of proprietary schools which are not within the boundaries of the state and which solicit business solely on military reservations.

Very truly yours,

CURT T. SCHNEIDER
Attorney General

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