



STATE OF KANSAS

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October 6, 1978

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ATTORNEY GENERAL OPINION NO. 78- 321

Mr. John J. Conard
Executive Officer
State Board of Regents
Suite 1416 - Merchants National
Bank Tower
Topeka, Kansas 66612

Re: Schools and Colleges--Board of Regents--Military
Reservations

Synopsis: Courses which are offered on the premises of a federal military reservation which is located within the State of Kansas by an institution of postsecondary education which is chartered, incorporated or otherwise organized, and the main campus of which, is located, outside this state are not subject to the registration requirements of ch. 87, L. 1978.

* * *

Dear Mr. Conard:

Ch. 87, § 3, L. 1978 provides in pertinent part thus:

"No institution of postsecondary education chartered, incorporated or otherwise organized and the main campus of which is located outside this state shall offer or conduct any course or program in this state leading to the award or conferring of an academic degree unless such institution has first registered such course or program with the state board of regents in accordance with the provisions of this act."

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You advise that it has come to your attention that Webster College of St. Louis, Missouri, is offering courses at McConnell Air Force Base, at Wichita, Kansas. Representatives of the institution assert that the course offerings there are available for military personnel and civilian employees on the base, and that for that reason, registration under the referenced act is not required. Accordingly, you request my opinion whether courses or programs leading to the awarding or conferring of an academic degree and offered by an institution organized and whose main campus is located outside the state must be registered when such courses are conducted and offered on a federal military reservation.

In *Miller v. Hickory Grove School Board*, 162 Kan. 528, 178 P.2d 214 (1947), the court stated thus:

"Our legislature, by G.S. 1935, 27-101 and 27-102, gave the consent of this state to the acquisition by the United States by purchase, condemnation, or otherwise, of any 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 specifically provided 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 certain rights for the service of process and taxing certain property. Hence, the Olathe naval base, being a military reservation, is exclusively within the jurisdiction of the federal government, except for purposes not here important, and is taken out from under government by the laws of the state of Kansas." 162 Kan. at 533.

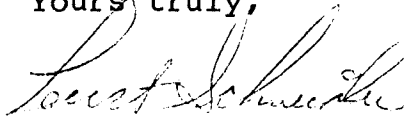
The court held, thus, that the Olathe naval base did not lie within Johnson County, but rather that the base adjoined the county.

Likewise, here, the State of Kansas has ceded exclusive jurisdiction over the McConnell base to the United States, and has retained no jurisdiction which would permit the enforcement of

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the registration requirements of ch. 87, § 3, to educational programs offered on the premises of the base, whether courses so offered are limited to military personnel living on the base, military personnel living off the base, civilian employees or to members of the public generally.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj