



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

April 14, 1978

ATTORNEY GENERAL OPINION NO. 78- 148

The Honorable Edward F. Reilly, Jr.
State Senator
3rd Floor - State Capitol
Topeka, Kansas 66612

Re: Military Reservations--Power--Jurisdiction

Synopsis: The United States has exclusive jurisdiction over the Fort Leavenworth military reservation, and annexation thereof by the City of Leavenworth does not vest in the City any jurisdiction thereof whatever.

* * *

Dear Senator Reilly:

I regret the delay in responding to your inquiry of January 19, 1978. You advise that the annexation by the City of Leavenworth of the Fort Leavenworth military reservation some time ago has raised questions by many local residents whether such facilities as the Ft. Leavenworth liquor store and the Army National Bank which are located on the reservation are subject to Kansas statutes. You request my opinion concerning what, if any, jurisdiction the State of Kansas and local governmental bodies have over the territory of the military reservation now that it has been officially annexed by the City of Leavenworth.

K.S.A. 27-101 provides in pertinent part thus:

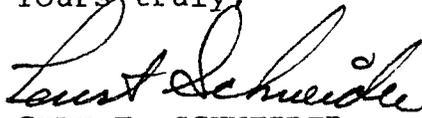
"That the consent of the state of Kansas is hereby given in accordance with the provisions of paragraph number seventeen, section

The Honorable Edward F. Reilly, Jr.
Page Two
April 14, 1978

eight, article one of the constitution of the United States, to the acquisition by the United States . . . of any land in the state of Kansas, which has been, or may hereafter be, acquired for . . . the purposes of the government of the United States."

K.S.A. 27-102 provides 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," with certain reservations not pertinent here. Chapter 66, § 1, L. 1875, constitutes a cession of state jurisdiction over the property of Fort Leavenworth. K.S.A. 27-104. Annexation of the military reservation by the City of Leavenworth in no way affects or reduces the exclusive jurisdiction of the United States over the territory. Federal jurisdiction is exclusive, and neither the state nor local governmental bodies have any jurisdiction over banks, liquor stores, or other facilities on the fort itself. Federal jurisdiction is exclusive on the fort itself, however, and does not extend outside the fort into the areas of the city which lie outside the fort. Thus, establishment of a bank other than a national bank in the City of Leavenworth and outside the territory of the reservation would, based upon the limited information I now have, be subject to Kansas laws.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj