

Approved: 3-13-07
Date

MINUTES OF THE HOUSE ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE

The meeting was called to order by Chairman Lana Gordon at 3:30 P.M. on March 7, 2007 in Room 519-S of the Capitol.

All members were present except:
Judy Morrison- excused

Committee staff present:
Kathie Sparks, Kansas Legislative Research Department
Hank Avila, Kansas Legislative Research Department
Jason Long, Revisor of Statutes
Ann Deitcher, Committee Assistant

Conferees appearing before the committee:
Hugh Dougher, National Park Service

Others attending:
See attached list.

SB 356 - ceding to the U.S. concurrent legislative jurisdiction over crimes and offenses under the laws of the state of Kansas over and within certain lands dedicated to National parks purposes.

The Chair called on Kathie Sparks to explain **SB 356**.

Questions and answers followed.

Hugh Dougher spoke in support of **SB 356**. (Attachment 1).

Questions and answers followed.

The hearing was closed on **SB 356**.

SB 164 - the creation of a Qualified Industrial Manufacturer Act.

The Chair asked Kathie Sparks to request an accounting of **SB 164** by the Department of Commerce on the Workforce Investment Act.

A motion was made by Representative Treaster and seconded by Representative Olson to pass **SB 164** out of Committee. The motion passed on a voice vote.

A motion was made by Representative Myers and seconded by Representative Craft to work **SB 356**. The motion passed on a show of hands, with 14 in favor.

Representative Flaharty moved and Representative Hill seconded the motion that **SB 356** be placed on the consent calendar.

It was pointed out that with the amendment in **SB 356**, it could not be placed on the consent calendar.

Representatives Flaharty and Hill withdrew their motion and moved instead that **SB 356** be passed favorably out of Committee. The motion carried on a voice vote.

The meeting was adjourned at 4:00 p.m. The next meeting is scheduled for Thursday, March 8, 2006.



United States Department of the Interior

NATIONAL PARK SERVICE
MIDWEST REGION
601 Riverfront Drive
Omaha, NE 68102



**Testimony on SB 356 regarding Jurisdiction at three National Park Service areas:
Brown vs. Board of Education and Nicodemus National Historic Site and Tallgrass
Prairie National Preserve**

To

The House Economic Development and Tourism Committee

By Hugh Dougher

**Regional Chief Ranger, Midwest Region
National Park Service, Omaha, Nebraska**

7 March 2007

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today with regard to **SB 356**.

SB 356 seeks to amend K.S.A. 27-120 in order to add three parks which have come into the National Park System in the State of Kansas since the enactment of the original legislation in 1985. The bill would add the Brown vs. Board of Education National Historic Site the Nicodemus National Historic Site and the Tallgrass Prairie National Preserve to the list of properties eligible for concurrent jurisdiction with the State of Kansas and the Federal Government. The provisions of the bill would be effective on publication in the statute book. **The National Park Service supports the provisions contained in SB 356 and requested introduction of the bill.**

The enactment of this bill will allow State and Federal officials to begin the process to establish concurrent legislative jurisdiction between the State of Kansas and the United States in National Park System units in Kansas. This action will allow for more efficient conduct of both State and Federal functions within the sites and also comply with the congressional mandate as expressed in the Act of October 7, 1976, 90 Stat. 1939, 16 U.S.C. section 1a-3, that "insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System."

The term "concurrent legislative jurisdiction" is intended herein as vesting in the State and the United States all the rights accorded a sovereign with the broad qualification that such authority is held concurrently over matters including but not limited to criminal laws and police powers. It is the parallel right of both the State and the Federal Government to legislate with respect to such land and persons present or

residing on it, subject only to the United States and State of Kansas constitutional constraints including but not limited to, the supremacy clause of the United States Constitution. The acquisition by the United States of concurrent jurisdiction will also assist in the enforcement of State criminal laws by the United States under the Act of June 25, 1948 (18 U.S.C. section 13 (1976)).

Concurrent jurisdiction represents a partnership between the United States and a State in the administration and management of a Federal reservation. The following principles generally apply to areas of concurrent jurisdiction.

1. The United States and the State jointly hold and exercise all the rights accorded a sovereign with the broad qualification that such authority is held concurrently. Both State and Federal criminal codes apply to concurrent lands and both State and Federal officials may enforce their respective codes.
2. It is the parallel right of both the State and the Federal Government to legislate with respect to such land and persons residing or present on it.

Concurrent jurisdiction would in no way limit the right of the State to exercise its jurisdiction within any of the National Park Service areas. It would simply allow the National Park Service to enforce additional Federal criminal statutes and also to assimilate State law under Title 18 U.S.C. Section 13, where no appropriate Federal law or regulation exists. The result would allow for more efficient conduct of both State and Federal law enforcement functions within the parks.

Both Ft. Larned and Ft. Scott National Historic Sites have been managed under concurrent jurisdiction since September 9, 1985, without problems or issues.

The National Park Service supports these measures and requests that the amendment to the statute be made and appreciates the support of the Committee in this endeavor.

