

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 825

93RD GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, February 9, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

4118S.02C

AN ACT

To amend chapter 70, RSMo, by adding thereto six new sections relating to the Kansas and Missouri Regional Investment District Compact.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 70, RSMo, is amended by adding thereto six new sections, to be known as sections 70.515, 70.520, 70.525, 70.530, 70.535, and 70.540, to read as follows:

70.515. The Regional Investment District Compact is hereby enacted into law and entered into by the state of Missouri with the state of Kansas legally joining therein, in the form substantially as follows:

**KANSAS AND MISSOURI REGIONAL INVESTMENT DISTRICT
COMPACT**

I. AGREEMENT AND PLEDGE

The states of Kansas and Missouri agree to and pledge, each to the other, faithful cooperation in the support of regional programs and initiatives to benefit and serve the Kansas City metropolitan area, holding in high trust for the benefit of the people and of the nation, the special blessings and natural advantages thereof.

II. POLICY AND PURPOSE

The states of Kansas and Missouri desire, by common action, to provide support for regional programs and initiatives that will produce significant benefit to the Kansas City metropolitan area, with the goal of making more efficient use of resources through inter-jurisdictional cooperation on strategic regional initiatives, promoting regionally interconnected infrastructure and programs, including public transit, trails and traffic management, improving the metropolitan area quality of life and providing for a cleaner and more healthy regional

21 environment, and enhancing the economic development efforts of
22 counties and cities within the Kansas City metropolitan area and region.

23 Accordingly, the states of Kansas and Missouri hereby declare that
24 it is the policy of each state to realize these desires on a basis of
25 cooperation with one another and that the purpose of this Compact is to
26 provide a mechanism to secure and coordinate support for regional
27 programs and initiatives that will produce significant benefit to the
28 Kansas City metropolitan area.

29 III. DEFINITIONS

30 A. "Commission" means the governing body of the Kansas and
31 Missouri Regional Investment District.

32 B. "District" means the Kansas and Missouri Regional Investment
33 District.

34 C. "Kansas and Missouri Regional Investment District" or
35 "District" means a political subdivision of the states of Kansas and
36 Missouri, which is created by this Compact and which is composed of
37 those Kansas and Missouri counties, cities and other political
38 subdivisions that are now or hereafter shall become parties to the
39 Articles of Agreement executed on January 1, 1972, and thereafter
40 amended, which geographic area covered by those political subdivisions
41 is therein designated as the Mid-America Regional Planning Area.

42 D. "Mid-America Regional Council or MARC" means the body
43 corporate and politic created by the Articles of Agreement, originally
44 executed on January 1, 1972, and as thereafter amended, which therein
45 assumed all the rights, duties and obligations of the Mid-America
46 Council of Governments and the Metropolitan Planning Commission -
47 Kansas City Region.

48 E. "Oversight Committee or Committee" means a body or bodies
49 appointed by the Commission for each Regional Program that shall be
50 constituted as set forth in Article IX of this Compact and that shall have
51 the powers set forth in Article X of this Compact.

52 F. "Program Plan" means a plan developed for a proposed ballot
53 question by the Commission, as required by Article VI, Section B of this
54 Compact, that describes a Regional Program and provides for the
55 appropriation and use of moneys derived from the sales tax authorized
56 by this Compact in support of that Regional Program.

57 G. "Public Transit System" or "Transit System" means, without

58 limitation, a regional system of public transit, consisting of property,
59 structures, improvements, vehicles, potentially including, but not limited
60 to, vans, buses, bus rapid transit, commuter rail, and other fixed
61 guideways, equipment, software, telecommunications networks, plants,
62 parking or other facilities, transit centers, stops, park-n-ride lots, transit
63 related surface transportation improvements and rights-of-way used or
64 useful for the purposes of public transit, which provides significant
65 regional benefit, and the acquisition, construction, reconstruction,
66 repair, maintenance, administration and operations thereof and similar
67 activities related thereto, whether operated by one or multiple entities.

68 H. "Regional Program" means a program involving a Public
69 Transit System.

70 IV. DISTRICT

71 A. Upon this Compact being entered into law by the Legislatures
72 of the respective states, the Regional Investment District is created and
73 shall include all the geographic area within the jurisdictional limits of
74 those Kansas and Missouri counties that are parties to the Articles of
75 Agreement executed on January 1, 1972, and thereafter amended, which
76 area is designated as the Mid-America Regional Planning Area, and
77 currently includes the following counties:

78 Clay County, Missouri	Wyandotte County, Kansas
79 Platte County, Missouri	Johnson County, Kansas
80 Jackson County, Missouri	Leavenworth County, Kansas
81 Cass County, Missouri	
82 Ray County, Missouri	

83 B. The District automatically shall be expanded to include Kansas
84 and Missouri cities, counties and other political subdivisions that
85 hereafter shall become parties to the Articles of Agreement executed on
86 January 1, 1972, and thereafter amended, upon the execution of the
87 Articles of Agreement by the governing body of such political
88 subdivisions.

89 V. THE COMMISSION

90 A. The District shall be governed by the Commission, which shall
91 be a body corporate and politic and shall be composed of voting
92 members of MARC, as that Council is constituted from time to time and
93 which is also known as the Board of Directors. All of the members of the
94 Commission shall be elected officials from the jurisdiction that

95 appointed them as voting members of MARC's Board of Directors.

96 B. The terms of the members of the Commission shall expire
97 concurrently with the member's tenure as an elected official of a
98 jurisdiction that is a party to MARC's Articles of Agreement. If a
99 jurisdiction that is a party to MARC's Articles of Agreement appoints a
100 different member of its governing body to MARC, that newly appointed
101 individual shall assume the position of the member replaced. Each
102 member shall serve until that member's replacement has been sworn in
103 as an elected official.

104 C. The Commission shall begin functioning immediately upon
105 creation of the District, as provided for in Article IV, Section A hereof.

106 D. The Commission shall select annually, from its membership, a
107 chairperson, a vice chairperson, and a treasurer. The treasurer shall be
108 bonded in the amounts the Commission may require.

109 E. The Commission may appoint the officers, agents, and
110 employees, as it may require for the performance of the Commission's
111 duties, and shall determine the qualifications and duties and fix the
112 compensation of those officers, agents and employees.

113 F. The Commission shall fix the time and place at which its
114 meetings shall be held. Meetings shall be held within the District and
115 shall be open to the public. Public notice shall be given of all meetings
116 of the Commission.

117 G. A majority of the Commissioners from each state shall
118 constitute, in the aggregate, a quorum for the transaction of business.
119 No action of the Commission shall be binding unless taken at a meeting
120 at which at least a quorum is present, and unless a majority of the
121 Commissioners from each state, present at the meeting, shall vote in
122 favor thereof. No action of the Commission taken at a meeting thereof
123 shall be binding unless the subject of the action is included in a written
124 agenda for the meeting, the agenda and notice of meeting having been
125 provided to each Commissioner at least seven calendar days prior to the
126 meeting.

127 H. The Commissioners from each state shall each be subject to the
128 provisions of the laws of either the State of Kansas or the State of
129 Missouri (depending upon the Commissioner's state of residence)
130 relating to conflicts of interest of public officers and employees. If any
131 Commissioner has a direct or indirect financial interest in any facility,

132 service provider, organization or activity supported by the District or
133 Commission or in any other business transaction of the District or
134 Commission, the Commissioner shall disclose that interest in writing to
135 the other Commissioners and shall abstain from voting on any matter in
136 relation to that facility, organization or activity or to that business
137 transaction.

138 I. If any action at law or equity, or other legal proceeding, shall
139 be brought against any Commissioner for any act or omission arising out
140 of the performance of their duties as a Commissioner, the Commissioner
141 shall be indemnified in whole and held harmless by the Commission for
142 any judgment or decree entered against the Commissioner and, further,
143 shall be defended at the cost and expense of the Commission in any
144 resulting proceeding.

145 J. Each member of the Commission shall serve as a member of the
146 Commission without compensation for that service, except for payment
147 of their actual and reasonably necessary expenses, as provided by
148 Article VIII, Section A, 1.

149 VI. POWERS AND DUTIES OF THE COMMISSION

150 A. The Commission, formally the governing body of the District,
151 shall primarily function as the planning and administrative arm for the
152 District. The Commission shall: undertake community planning to
153 identify regional programs and initiatives that will produce significant
154 benefit to the Kansas City metropolitan area; fully develop the specifics
155 regarding existing regional programs and initiatives and those newly
156 identified regional programs and initiatives; prepare Program Plans for
157 certain regional programs and initiatives in consultation with local
158 officials and the public; prepare ballot questions for programs and
159 initiatives that the Commission determines could appropriately be
160 supported by the sales tax authorized by this Compact; and carry out the
161 directives of each appointed Oversight Committee in the implementation
162 of Regional Programs approved by District qualified electors in
163 accordance with the terms of this Compact.

164 B. The Commission shall adopt a seal and suitable bylaws
165 governing its management, procedure and effective operation.

166 C. The Commission shall develop one Program Plan for each
167 Regional Program, which Program Plans shall generally describe the
168 Regional Program and provide for the appropriation and use of moneys

169 in support of that Regional Program only for the purposes set forth in
170 Article II and the Eligible Uses set forth in Article VIII of this
171 Compact. Each Program Plan shall also designate:

172 1. the counties or county in which a majority of the qualified
173 electors voting on the ballot question must cast an affirmative vote
174 before the sales tax may be imposed by any individual county for uses
175 in accordance with the Program Plan;

176 2. the duration of the sales tax imposed in support of the Regional
177 Program, which may be described in terms of the number of years the
178 tax shall be imposed, a maximum number of dollars that may be raised
179 by the sales tax imposed or any other reasonable means of establishing
180 the duration of the sales tax; provided that the sales tax shall not extend
181 beyond the fifteen (15) years following the date of the first receipt by the
182 county treasurer of revenue from the sales tax imposed to support the
183 Regional Program; and

184 3. the composition of the Oversight Committee to be appointed by
185 the Commission for that Regional Program, which composition shall be
186 consistent with Article IX, A of this Compact.

187 D. The Commission shall set the date or dates by which the first
188 election and any subsequent election shall be held pursuant to this
189 Compact and shall recommend those counties or county which shall hold
190 a vote on the ballot question prepared by the Commission for that
191 Regional Program.

192 E. For each election to be held pursuant to this Compact, the
193 Commission shall prepare and submit a ballot question to the governing
194 body of each county within the District. Each such question shall be in
195 the form set forth in Article VII, Section D of this Compact.

196 F. The Commission may prepare additional ballot language
197 generally describing each Regional Program and the use and allocation
198 of the sales tax proposed to be imposed for the support of that Regional
199 Program, and shall submit that additional language to each county
200 within the District. If additional ballot language is so submitted by the
201 Commission, and a county governing body decides to place the ballot
202 question before the qualified electors of that county, the additional
203 ballot language shall be placed on the subject ballot by that governing
204 body.

205 G. When a majority of the qualified electors in the county or

206 counties designated in the Program Plan for that Regional Program as
207 one of those counties that must cast an affirmative vote on the ballot
208 question before the sales tax may be imposed, have cast an affirmative
209 vote, the Commission shall, in accordance with Article IX, Section A of
210 this Compact, appoint one Oversight Committee for that Program Plan.

211 H. The Commission shall have the power to contract and to be
212 contracted with and to sue and to be sued.

213 I. The Commission, when it deems it necessary and when
214 requested to do so by an Oversight Committee, shall interpret and/or
215 provide guidance and further details on a Program Plan to assist in the
216 oversight of the appropriation and use of moneys by the Oversight
217 Committee for that Program Plan.

218 J. In accordance with written guidelines adopted by the
219 Commission, which guidelines shall be consistent with the goals stated
220 in Article II hereof and the Program Plans required by Article VI, C, the
221 Commission may provide donations, contributions, and grants or other
222 support, financial or otherwise, for Program Plans and the Eligible Uses
223 set forth in Article VIII of this Compact.

224 K. The Commission shall execute those contracts and agreements
225 as each Oversight Committee shall direct to implement the Program
226 Plan developed for that approved Regional Program, provided that, the
227 Commission determines each contract is consistent with that Program
228 Plan.

229 L. The Commission may appoint advisory committees to provide
230 input, consultation, guidance and assistance to the Commission on
231 matters and issues related to any purposes for which the District and
232 the Commission are hereby created.

233 M. The Commission may form whatever partnerships,
234 associations, joint ventures or other affiliations, formal or otherwise, as
235 it deems appropriate and that are in furtherance of the purposes for
236 which the District and the Commission are created.

237 N. The Commission may utilize assistance from any governmental
238 or non-governmental entity, as it shall determine appropriate, in the
239 form of personnel, technical expertise or other resources, to further the
240 policies, purposes and goals of the District, as stated in Article II of this
241 Compact.

242 O. The Commission shall cause to be prepared annually a report

243 on the operations and transactions conducted by the Commission during
244 the preceding year. The report shall be an open record submitted to the
245 legislatures and governors of the compacting states and to the governing
246 bodies of the jurisdictions that are then a party to MARC's Articles of
247 Agreement on or before March 15th of each calendar year, commencing
248 on March 15th of the year following the year in which the certification
249 described in Article IV, Section B hereof occurs. The Commission shall
250 take those actions as are reasonably required to make this report readily
251 available to the public.

252 P. The Commission shall have the power to apply to the Congress
253 of the United States for its consent and approval of this Compact, if it
254 is determined by the Commission that this consent is appropriate. In
255 the absence of the consent of the Congress and until consent is secured,
256 if that consent is determined appropriate, this Compact is binding upon
257 the states of Missouri and Kansas in all respects permitted by law of the
258 two states.

259 Q. The Commission shall have the power to perform all other
260 necessary and incidental functions and duties and to exercise all other
261 necessary and appropriate powers, not inconsistent with other
262 provisions of this Compact or the constitution or laws of the United
263 States or of either of the states of Kansas or Missouri, that it deems
264 appropriate to effectuate the purposes for which this District and the
265 Commission are created.

266 VII. BALLOT QUESTIONS

267 A. The Commission, as required by Article VI, Section C, shall
268 develop Program Plans for Regional Programs to be submitted to the
269 qualified electors within the District. Each Program Plan developed by
270 the Commission shall be available to the public no later than one
271 hundred twenty days before the date or dates set by the Commission for
272 submission of a ballot question to the electors in the District.

273 B. The governing body of each county in the District shall
274 determine whether the provision of financial support for each Regional
275 Program is in the best interests of the citizens of the county and
276 whether the levy of a sales tax to provide, on a cooperative basis with
277 another county or other counties, for financial support of that Regional
278 Program would be economically practicable and cost beneficial to the
279 citizens of the county and the district. Each governing body that makes

280 an affirmative determination with respect hereto shall adopt a
281 resolution evidencing that determination and authorizing a vote of its
282 citizens on the ballot question for that Regional Program, by a two-
283 thirds (2/3) majority vote of the members elect of the governing body.

284 C. Upon adoption of a resolution pursuant to Section B of this
285 Article, the governing body of that county, promptly after adoption of
286 the resolution, shall request the county election commissioner to submit
287 the ballot question for that Regional Program to the qualified electors
288 of that county. Each such ballot question shall be printed on the ballot
289 and in the notice of election. Each ballot question shall be submitted to
290 the qualified electors of that county at the primary or general election
291 next following the date the request was filed with the county election
292 officer.

293 D. The ballot for the proposition in each county shall be in
294 substantially the following form:

295 Shall a sales tax (insert amount, not to exceed one-half cent)
296 be levied and collected in County for the support of Regional
297 Programs that will produce significant benefit within the Kansas and
298 Missouri Regional Investment District?

299 YES NO

300 E. The governing body of each of the counties that requested their
301 county election commissioner submit the ballot question to its qualified
302 electors also shall provide their respective county election officers with
303 copies of the additional language prepared by the Commission, pursuant
304 to Article VI, Section F, which additional language shall be included by
305 each such county on the ballot.

306 F. The question of whether a sales tax for the support of a
307 Regional Program involving a Public Transit System shall be imposed
308 shall be submitted to qualified electors at the first election to be held on
309 Regional Programs, pursuant to this Compact.

310 G. The governing body of any county in the District that does not
311 pass the resolution contemplated by Section B of this Article in time to
312 cause the placement of the ballot question before the qualified electors
313 of that county at the first election or any subsequent election to be held
314 on Regional Programs, pursuant to this Compact, may adopt that
315 resolution at any time thereafter, and that ballot question shall be

316 provided to the election commissioner of that county and submitted to
317 the qualified electors of the county at the next primary or general
318 election, in accordance with Section C of this Article.

319 H. In each county where a majority of the qualified electors
320 voting in an election shall have cast an affirmative vote on a ballot
321 question, that ballot question shall be approved.

322 I. If a ballot question is submitted to the qualified electors of a
323 county in the District, and the ballot question is not approved in that
324 county, following defeat of the ballot question, the governing body of
325 that county or counties may renew procedures to levy the sales tax in
326 support of that Regional Program. A defeat of a ballot question in any
327 county shall not affect the approval of that ballot question in any other
328 county, which approval shall continue to have effect.

329 J. No county in the District shall levy a sales tax specified herein
330 until the qualified electors in all the counties designated by the
331 Commission in the Program Plan for the subject Regional Program, as
332 those that must approve the sales tax, have approved the levy of the
333 sales tax to support the Program Plan for that Regional Program.

334 K. With respect to the first election to be held on Regional
335 Programs pursuant to this Compact, no sales tax shall be levied by any
336 count which has adopted the resolution contemplated by Section B and
337 submitted the ballot question to the qualified voters of that county
338 pursuant to Section C, both of this Article, unless and until a majority
339 of the qualified electors of at least Johnson and Wyandotte Counties,
340 Kansas, and Jackson County, Missouri, has approved the levy of a sales
341 tax for that Regional Program involving a Public Transit System.

342 L. When, but only when, the electors in all of the counties
343 designated by the Commission in the Program Plan for the subject
344 Regional Program, as those that must approve the sales tax, have
345 approved this ballot question, the governing body of each such county,
346 at the first available opportunity, shall take all required actions to begin
347 levying this tax.

348 M. Any of the counties that have elected by a vote of its electors
349 to levy a sales tax authorized by this section may cease to levy this sales
350 tax upon the majority vote of the qualified electors of the county on a
351 ballot question submitted to qualified electors asking if that county
352 should cease to levy this sales tax. This vote shall take place in the same

353 manner provided in this section for levying this sales tax; provided that,
354 no vote to cease to levy this sales tax shall take place in any county on
355 a date earlier than a date that is five years from the date that county
356 approved this sales tax. Provided further, in no event shall any county
357 cease to levy this sales tax until that county has entered into a written
358 agreement with the Commission, which agreement shall provide for the
359 terms of cessation, and shall specifically provide: (1) a means to ensure
360 that the county pays a fair share of the outstanding obligations incurred
361 by the District in furtherance of its established purposes; and (2) for the
362 ongoing operations and maintenance or the termination of any facilities
363 or services established in the county with support provided by the
364 Commission. The governing body of a county that has decided by this
365 vote to cease to levy this sales tax shall send formal written notice
366 thereof to each of the other counties comprising the District. In no
367 event, shall the county cease to levy the sales tax earlier than ninety
368 days after this notice has been sent. If any county in the District
369 decides to cease levying the sales tax, the status of the District as a
370 political subdivision of the states of Kansas and Missouri shall be
371 unaltered and that county shall continue to have the representation on
372 the Commission, as set forth in Article V of this Compact.

373 **VIII. ELIGIBLE USES OF FUNDS**

374 **A. The Commission shall only budget and authorize the**
375 **appropriation of monies for the following eligible purposes:**

376 **1. the actual and reasonably necessary expenses of the**
377 **Commission and Oversight Committee, including, but not limited to, staff**
378 **personnel, auditors, budget and financial consultation, legal assistance,**
379 **administrative, operational, planning and engineering consultation and**
380 **marketing, as well as for the actual and reasonably necessary expenses**
381 **of individual Commission and Committee members that are incurred in**
382 **the performance of their official duties; provided that, the Commission,**
383 **in each fiscal year, shall not appropriate, for this purpose, any monies**
384 **in excess of an amount that is equal to one percent of the funds**
385 **appropriated to the Commission in that fiscal year by all of the counties**
386 **imposing this sales tax; and**

387 **2. the support of voter approved Regional Programs within the**
388 **District;**

389 **3. if in support of a Public Transit System, only pursuant to a**

390 contract with bodies corporate and politic, political subdivisions of the
391 states of Missouri and/or Kansas or local units of government in the
392 states of Missouri or Kansas, provided, however, the Commission may,
393 in its discretion, require that entities contracted with shall procure a set
394 percentage of Public Transit System services from third party
395 contractors on a competitive basis; and

396 4. only in support of a Regional Program in counties that have
397 voted affirmatively to impose a sales tax in support of that Regional
398 Program.

399 B. The aggregate amount of sales taxes imposed by any county
400 within the District, pursuant to the authority granted in this Compact,
401 shall not exceed one-half cent.

402 IX. THE OVERSIGHT COMMITTEE

403 A. An Oversight Committee shall be appointed by the Commission
404 for each Regional Program, as provided for in Article VI, Section G
405 hereof. Each Committee shall be composed of elected officials of
406 jurisdictions that are within a county where a majority of the qualified
407 electors voting on the ballot question have cast an affirmative vote on
408 the imposition of a sales tax to support the subject Regional
409 Program. Each Oversight Committee shall be composed of the elected
410 officials designated in the Program Plan for that Regional
411 Program. Each Oversight Committee shall include a minimum of one
412 elected representative from each county that approves that ballot
413 question and elected representatives from both cities and counties and
414 each representative shall be approved by the chief elected official of the
415 county or city from which they are elected. If the Program Plan
416 describes a Regional Program that serves both Missouri and Kansas, the
417 Oversight Committee shall be composed of an equal number of elected
418 representatives from each state. In such instances, no action of the
419 Commission shall be binding unless taken at a meeting at which at least
420 a quorum is present, and unless a majority of the Commissioners from
421 each state, present at the meeting, shall vote in favor thereof. The
422 number of individuals comprising the Oversight Committee shall be in
423 the sole discretion of the Commission.

424 B. Each Oversight Committee shall be appointed within forty-five
425 days of certification that the ballot question has been approved by the
426 last of the counties designated by the Commission in the Program Plan

427 for the subject Regional Plan, pursuant to Article VI, Section C,1 hereof,
428 to so certify and shall begin functioning immediately upon its
429 appointment by the Commission. If, pursuant to Article VII, Section K,
430 additional counties within the District shall approve the ballot question,
431 the Commission shall appoint a minimum of one additional
432 representative from each such county to the Oversight Committee.

433 C. Each appointed Oversight Committee shall fix the time and
434 place at which its meetings shall be held. Meetings shall be held at a
435 location in a county that has approved the imposition of the sales tax to
436 support the Program Plan for the subject Regional Program and shall be
437 open to the public. Public notice shall be given of all meetings of the
438 Committee.

439 D. The Committee members shall each be subject to the provisions
440 of the laws of either the State of Kansas or the State of Missouri
441 (depending upon the Committee member's state of residence) that relate
442 to conflicts of interest of public officers and employees. If any
443 Committee member has a direct or indirect financial interest in any
444 facility, service provider, organization or activity supported by the
445 District or Commission or in any other business transaction of the
446 District or Commission, the Committee member shall disclose that
447 interest in writing to the members of the Commissioners and to the
448 other members of the Committee and shall abstain from voting on any
449 matter in relation to that facility, organization or activity or to that
450 business transaction with respect to which that Committee member has
451 the interest.

452 E. If any action at law or equity, or other legal proceeding, shall
453 be brought against any Committee member for any act or omission
454 arising out of the performance of duties as a Committee member, the
455 Committee member shall be indemnified in whole and held harmless by
456 the Commission for any judgment or decree entered against the
457 Committee member and, further, shall be defended at the cost and
458 expense of the Commission in any resulting proceeding.

459 F. The Oversight Committee for each Program Plan shall
460 terminate on the date when all of the moneys derived from the sales tax
461 imposed by any or all counties in the District to support the Program
462 Plan for that Regional Program and which have been credited to the
463 Regional Investment Fund have been expended.

464 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

465 A. The Oversight Committee for each approved Regional Program
466 is charged with the oversight of the appropriation and use of moneys
467 generated from the sales taxes and credited to the Regional Investment
468 Fund. These moneys shall be appropriated only for the Eligible Uses set
469 forth in Article VIII of this Compact.

470 B. Each Oversight Committee shall only provide support for and
471 allocate and appropriate monies for programs, services and facilities
472 that are consistent with the voter approved Program Plan developed by
473 the Commission and only for programs, services and facilities in
474 counties that have approved the imposition of a sales tax in support of
475 that Regional Program. If the Committee is uncertain or has any
476 question about whether a specific appropriation of moneys or support
477 activity is consistent with the Program Plan developed by the
478 Commission, it shall seek a determination on that question from the
479 Commission.

480 C. Each Oversight Committee, as appropriate, shall request that
481 the Commission execute those contracts and agreements necessary or
482 desirable to implement the Program Plan developed by the Commission.

483 D. Each Oversight Committee shall adopt suitable bylaws
484 governing its management, procedure and its effective operations.

485 E. Each Oversight Committee shall provide the information that
486 the Commission shall require to allow the Commission to prepare
487 annually a report on the operations and transactions conducted by the
488 Commission during the preceding year relating to the approved Regional
489 Programs. This information shall include an annual financial statement
490 prepared in accordance with General Accepted Accounting Principles
491 (GAAP). The Oversight Committee for a Public Transit Service Regional
492 Program shall also provide a report on operational statistics, including
493 statistics on the ridership of the Public Transit System funded with sales
494 tax revenues resulting from the authority granted by this Compact,
495 comparing ridership in the then current fiscal year to ridership in the
496 three fiscal years next preceding.

497 XI. FINANCE

498 A. The moneys necessary to finance the operation of the District,
499 implement the voter approved Program Plans and execute the powers,
500 duties and responsibilities of the Commission shall be appropriated to

501 the Commission by the counties comprising the District, which, in
502 accordance with Article VII, Section J of the Compact, have approved
503 the ballot question for the subject Regional Program. The moneys to be
504 appropriated to the Commission shall be raised by the governing bodies
505 of the respective counties by the levy of taxes, fees, charges or any other
506 revenue, as authorized by the legislatures of the respective party states.

507 B. Neither the Commission nor any Oversight Committee shall
508 incur any indebtedness of any kind; nor shall they pledge the credit of
509 MARC or any jurisdiction that is party to MARC's Articles of Agreement
510 or either of the states party to this Compact, except as specifically
511 authorized by this Compact. The budget of the District shall be
512 prepared, adopted and published, as provided by law, for other political
513 subdivisions of the party states.

514 C. The Commission and each Oversight Committee shall keep
515 accurate accounts of all receipts and disbursements. The receipts and
516 disbursements of the Commission shall be audited yearly by a certified
517 or licensed public accountant and the report of the audit shall be
518 included in and become a part of the annual report of the Commission.

519 D. The accounts of the Commission shall be open at any
520 reasonable time for inspection by duly authorized representatives of the
521 compacting states, the counties comprising the District, and other
522 persons authorized by the Commission.

523 XII. ENTRY INTO FORCE

524 A. This Compact shall enter into force and become effective and
525 binding upon the states of Kansas and Missouri when it has been entered
526 into law by the legislatures of the respective states.

527 B. Amendments to the Compact shall become effective upon
528 enactment by the legislatures of the respective states.

529 XIII. TERMINATION

530 A. The Compact shall continue in force and remain binding upon
531 a party state until its legislature shall have enacted a statute repealing
532 the same and providing for the sending of formal written notice of
533 enactment of that statute to the legislature of the other party
534 state. Upon enactment of that statute by the legislature of either party
535 state, the sending of notice thereof to the other party and payment of
536 any obligations that the Commission may have incurred prior to the
537 effective date of that statute, the agreement of the party states embodied

538 in the Compact shall be deemed fully executed, the Compact shall be null
539 and void and of no further force or effect, the District shall be dissolved,
540 and the Commission shall be abolished. If any monies remain in the
541 Regional Investment Fund upon dissolution of this Compact, the
542 Commission may distribute these monies to an entity or organization
543 selected by the Commission to be used to support purposes for which the
544 District is hereby created, as stated in Article II of this Compact.

545 **XIV. CONSTRUCTION AND SEVERABILITY**

546 A. The provisions of this Compact shall be liberally construed and
547 shall be severable. If any phrase, clause, sentence or provision of this
548 Compact is declared to be contrary to the constitutions of either of the
549 party states or of the United States or the applicability thereof to any
550 government, agency, person or circumstance is held invalid, the validity
551 of the remainder of this Compact and the applicability thereof to any
552 government, agency, person or circumstance shall not be affected
553 thereby. If this Compact shall be held contrary to the constitution of
554 either party state hereto, the Compact shall thereby be nullified and
555 voided and of no further force or effect.

 70.520. The regional investment district created pursuant to
2 section 70.515 shall be considered to be a special district under the
3 provisions of sections 115.001 to 115.641, RSMo.

 70.525. The provisions of sections 537.600 to 537.650, RSMo, shall
2 apply to the regional investment district and to the Missouri members
3 of the regional investment district commission established in section
4 70.515.

 70.530. Missouri members of the regional investment district
2 commission, appointed pursuant to section 70.515, shall be reimbursed
3 for actual and necessary expenses incurred in the performance of their
4 official duties.

 70.535. 1. The governing body of any county that has been
2 authorized by a majority of the electors of the county to levy and collect
3 a tax for the purpose of contributing to the financial support of the
4 district, authorized by article IV of the compact enacted in section
5 70.515, shall adopt a resolution imposing a countywide sales tax and
6 pledging the revenues received therefrom for the purpose of
7 contributing to the financial support of the district, with respect to a
8 countywide sales tax authorized by the compact enacted by section

9 **70.515.** The rate of this tax shall be fixed at an amount of not more than
10 **one-half percent in the aggregate. Any county levying a countywide**
11 **sales tax under the authority of this section is hereby prohibited from**
12 **administering or collecting the tax locally, but shall utilize the services**
13 **of the state department of revenue to administer, enforce and collect the**
14 **tax. The sales tax shall be administered, enforced and collected in the**
15 **same manner and by the same procedure as other countywide sales taxes**
16 **are levied and collected and shall be in addition to any other sales tax**
17 **authorized by law. Except as modified in this section, all provisions of**
18 **sections 32.085 and 32.087, RSMo, shall apply to the tax imposed**
19 **pursuant to this section. Upon receipt of a certified copy of a resolution**
20 **authorizing the levy of a countywide sales tax pursuant to this section,**
21 **the director of the department of revenue shall cause this tax to be**
22 **collected at the same time and in the same manner provided for the**
23 **collection of the state sales tax. All moneys derived from the countywide**
24 **sales tax imposed under the authority of the compact enacted in section**
25 **70.515 and collected pursuant to the provisions of this section by the**
26 **director of revenue shall be credited to the "Regional Investment Fund",**
27 **which is hereby established in the state treasury. Any refund due on**
28 **any countywide sales tax collected pursuant to this section shall be paid**
29 **out of the sales tax refund fund and reimbursed by the director of**
30 **revenue from the sales tax revenue collected pursuant to this**
31 **section. All countywide sales tax revenue derived from the authority**
32 **granted by the compact enacted in section 70.515 and collected within**
33 **any county, pursuant to this section, shall be remitted at least quarterly**
34 **by the director of revenue to the treasurer of that county.**

35 **2. All revenue received by any county treasurer from a**
36 **countywide sales tax imposed under the authority of the compact**
37 **enacted in section 70.515 and pursuant to this section shall be**
38 **appropriated by the county to the Kansas and Missouri regional**
39 **investment district commission within sixty days of receipt of the funds**
40 **by the county for expenditure by the commission pursuant to, and in**
41 **accordance with, the provisions of the Kansas and Missouri regional**
42 **investment district compact, enacted in section 70.515. Any countywide**
43 **sales tax imposed pursuant to this section shall expire upon the date**
44 **determined in accordance with the Program Plan for the Regional**
45 **Program that is the subject of the ballot question approved by the**

46 qualified electors of such county for that subject Regional Program;
47 provided that, no sales tax shall be levied for a period of more than 15
48 years from the date of the first receipt by the county treasurer of
49 revenue from that sales tax unless renewed by the qualified electors of
50 that county prior to its expiration, or as determined by the last ballot
51 question or renewal approved by such electors or on the date of actual
52 withdrawal of the county from the district or upon compliance by the
53 county with the provisions of Article IV, Section J, or at any time the
54 Kansas and Missouri regional investment district compact becomes null
55 and void and of no further force or effect. If any revenue remains upon
56 nullification and voidance of the Kansas and Missouri regional
57 investment district compact, pursuant to section 70.515, the director of
58 revenue shall authorize the state treasurer to remit the balance in the
59 account to the county and close the account of that county.

60 3. Notwithstanding the provisions of section 33.080, RSMo, to the
61 contrary, money in the Kansas and Missouri regional investment district
62 sales tax fund shall not be transferred and placed to the credit of
63 general revenue at the end of the biennium.

64 4. Notwithstanding the provisions of section 99.845.2, RSMo, to the
65 contrary, the revenues from the countywide sales taxes imposed by
66 counties under the authority of the compact enacted in section 70.515
67 and pursuant hereto shall not be allocated to and paid by the state
68 department of revenue to any special allocation fund established by any
69 municipality pursuant to sections 99.800 to 99.865, RSMo, the real
70 property tax increment oversight redevelopment statutes.

70.540. The provisions of sections 70.515 to 70.540 shall expire
2 upon nullification and voidance of the regional investment district
3 compact, pursuant to the compact enacted in section 70.515.

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