

SECOND REGULAR SESSION

SENATE BILL NO. 825

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS KOSTER, SHIELDS, WHEELER AND WILSON.

Read 1st time January 9, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4113S.011

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,

19 trails and traffic management, improving the metropolitan area quality
20 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
23 region.

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

30 III. DEFINITIONS

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

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

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

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

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

54 F. "Program Plan" means a plan developed for a proposed ballot
55 question by the Commission, as required by Article VI, Section B of this

56 Compact, that describes a Regional Program and provides for the
57 appropriation and use of moneys derived from the sales tax authorized
58 by this Compact in support of that Regional Program.

59 G. "Public Transit System" or "Transit System" means, without
60 limitation, a regional system of public transit, consisting of property,
61 structures, improvements, equipment, plants, parking or other
62 facilities, transit centers, stops, park-n-ride lots, transit related surface
63 transportation improvements and rights-of-way used or useful for the
64 purposes of public transit, which provides significant regional benefit,
65 and the acquisition, construction, reconstruction, repair, maintenance,
66 administration and operations thereof and similar activities related
67 thereto, whether operated by one or multiple entities.

68 H. "Regional Program" means a Public Transit System, Trails and
69 Greenways and/or a Traffic Management System.

70 I. "Traffic Management System" means, without limitation,
71 property, structures, equipment, software, telecommunications
72 networks, facilities, improvements and rights-of-way used or useful for
73 the purposes of monitoring, controlling and managing traffic on streets
74 or roads in accordance with a regional plan managed cooperatively by
75 public entities that provides significant regional benefit, and the
76 acquisition, construction, reconstruction, repair, maintenance and
77 operations thereof and similar activities related thereto.

78 J. "Trails and Greenways" means, without limitation, walking,
79 bicycling or multi-use trails used by the public for transportation and
80 recreation purposes, and the green open space corridors along streams,
81 roadways and within abandoned railroad corridors that allow for the
82 location of trails to permit persons to travel by non-motorized means
83 to reach desired destinations and that provide significant regional
84 benefit, and the acquisition, construction, reconstruction, repair,
85 maintenance and operations thereof and similar activities related
86 thereto.

87 IV. DISTRICT

88 A. Upon this Compact being entered into law by the Legislatures
89 of the respective states, the Regional Investment District is created and
90 shall include all the geographic area within the jurisdictional limits of
91 those Kansas and Missouri counties that are parties to the Articles of
92 Agreement executed on January 1, 1972, and thereafter amended, which

93 area is designated as the Mid-America Regional Planning Area, and
94 currently includes the following counties:

95 Clay County, Missouri	Wyandotte County, Kansas
96 Platte County, Missouri	Johnson County, Kansas
97 Jackson County, Missouri	Leavenworth County, Kansas
98 Cass County, Missouri	
99 Ray County, Missouri	

100 B. The District automatically shall be expanded to include
101 Kansas and Missouri cities, counties and other political subdivisions
102 that hereafter shall become parties to the Articles of Agreement
103 executed on January 1, 1972, and thereafter amended, upon the
104 execution of the Articles of Agreement by the governing body of such
105 political subdivisions.

106 V. THE COMMISSION

107 A. The District shall be governed by the Commission, which shall
108 be a body corporate and politic and shall be composed of the voting
109 members of the Mid-America Regional Council, as that Council is
110 constituted from time to time and which is also known as the Board of
111 Directors.

112 B. The terms of the members of the Commission shall expire
113 concurrently with the member's tenure as an elected official of a
114 jurisdiction that is a party to MARC's Articles of Agreement. If a
115 jurisdiction that is a party to MARC's Articles of Agreement appoints
116 a different member of its governing body to the Mid-America Regional
117 Council, that newly appointed individual shall assume the position of
118 the member replaced. Each member shall serve until his or her
119 replacement has been sworn in as an elected official.

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

122 D. The Commission shall select annually, from its membership,
123 a chairperson, a vice chairperson, and a treasurer. The treasurer shall
124 be bonded in the amounts the Commission may require.

125 E. The Commission may appoint the officers, agents, and
126 employees, as it may require for the performance of the Commission's
127 duties, and shall determine the qualifications and duties and fix the
128 compensation of those officers, agents and employees.

129 F. The Commission shall fix the time and place at which its

130 meetings shall be held. Meetings shall be held within the District and
131 shall be open to the public. Public notice shall be given of all meetings
132 of the Commission.

133 G. A majority of the Commissioners from each state shall
134 constitute, in the aggregate, a quorum for the transaction of business.
135 No action of the Commission shall be binding unless taken at a meeting
136 at which at least a quorum is present, and unless a majority of the
137 Commissioners from each state, present at the meeting, shall vote in
138 favor thereof. No action of the Commission taken at a meeting thereof
139 shall be binding unless the subject of the action is included in a written
140 agenda for the meeting, the agenda and notice of meeting having been
141 provided to each Commissioner at least seven calendar days prior to
142 the meeting.

143 H. The Commissioners from each state shall each be subject to
144 the provisions of the laws of either the State of Kansas or the State of
145 Missouri (depending upon the Commissioner's state of residence)
146 relating to conflicts of interest of public officers and employees. If any
147 Commissioner has a direct or indirect financial interest in any facility,
148 service provider, organization or activity supported by the District or
149 Commission or in any other business transaction of the District or
150 Commission, the Commissioner shall disclose that interest in writing
151 to the other Commissioners and shall abstain from voting on any matter
152 in relation to that facility, organization or activity or to that business
153 transaction.

154 I. If any action at law or equity, or other legal proceeding, shall
155 be brought against any Commissioner for any act or omission arising
156 out of the performance of their duties as a Commissioner, the
157 Commissioner shall be indemnified in whole and held harmless by the
158 Commission for any judgment or decree entered against the
159 Commissioner and, further, shall be defended at the cost and expense
160 of the Commission in any resulting proceeding.

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

165 VI. POWERS AND DUTIES OF THE COMMISSION

166 A. The Commission, formally the governing body of the District,

167 shall primarily function as the planning and administrative arm for the
168 District. The Commission shall: undertake community planning to
169 identify regional programs and initiatives that will produce significant
170 benefit to the Kansas City metropolitan area; fully develop the specifics
171 regarding existing regional programs and initiatives and those newly
172 identified regional programs and initiatives; prepare Program Plans for
173 certain regional programs and initiatives in consultation with local
174 officials and the public; prepare ballot questions for programs and
175 initiatives that the Commission determines could appropriately be
176 supported by the sales tax authorized by this Compact; and carry out
177 the directives of each appointed Oversight Committee in the
178 implementation of Regional Programs approved by District qualified
179 electors in accordance with the terms of this Compact.

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

182 C. The Commission shall develop one Program Plan for each
183 Regional Program, which Program Plans shall generally describe the
184 Regional Program and provide for the appropriation and use of moneys
185 in support of that Regional Program only for the purposes set forth in
186 Article II and the Eligible Uses set forth in Article VIII of this
187 Compact. Each Program Plan shall also designate:

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

192 2. the duration of the sales tax imposed in support of the
193 Regional Program, which may be described in terms of number of
194 years, a maximum number of dollars that may be raised by the sales tax
195 imposed or any other reasonable means of establishing the duration of
196 the sales tax; provided that if there is to be no sunset on the imposition
197 of the sales tax, the Program Plan shall specifically so state; and

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

201 D. The Commission shall set the date or dates by which the first
202 election and any subsequent election shall be held pursuant to this
203 Compact and shall recommend those counties or county which shall

204 hold a vote on the ballot question prepared by the Commission for that
205 Regional Program.

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

210 F. The Commission may prepare additional ballot language
211 generally describing each Regional Program and the use and allocation
212 of the sales tax proposed to be imposed for the support of that Regional
213 Program, and shall submit that additional language to each county
214 within the District. If additional ballot language is so submitted by the
215 Commission, and a county governing body decides to place the ballot
216 question before the qualified electors of that county, the additional
217 ballot language shall be placed on the subject ballot by that governing
218 body.

219 G. When a majority of the qualified electors in the county or
220 counties designated in the Program Plan for that Regional Program as
221 one of those counties that must cast an affirmative vote on the ballot
222 question before the sales tax may be imposed, have cast an affirmative
223 vote, the Commission shall, in accordance with Article IX, Section A of
224 this Compact, appoint one Oversight Committee for that Program Plan.

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

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

232 J. In accordance with written guidelines adopted by the
233 Commission, which guidelines shall be consistent with the goals stated
234 in Article II hereof and the Program Plans required by Article VI, C,
235 the Commission may provide donations, contributions, and grants or
236 other support, financial or otherwise, for Program Plans and the
237 Eligible Uses set forth in Article VIII of this Compact.

238 K. The Commission shall execute those contracts and agreements
239 as each Oversight Committee shall direct to implement the Program
240 Plan developed for that approved Regional Program, provided that, the

241 Commission determines each contract is consistent with that Program
242 Plan.

243 L. The Commission may appoint advisory committees to provide
244 input, consultation, guidance and assistance to the Commission on
245 matters and issues related to any purposes for which the District and
246 the Commission are hereby created.

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

251 N. The Commission may utilize assistance from MARC or any
252 other entity it shall determine appropriate, in the form of personnel,
253 technical expertise or other resources, to further the policies, purposes
254 and goals of the District, as stated in Article II of this Compact.

255 O. The Commission shall cause to be prepared annually a report
256 on the operations and transactions conducted by the Commission
257 during the preceding year. The report shall be submitted to the
258 legislatures and governors of the compacting states and to the
259 governing bodies of the jurisdictions that are then a party to MARC's
260 Articles of Agreement. The Commission shall take those actions as are
261 reasonably required to make this report readily available to the public.

262 P. The Commission shall have the power to apply to the Congress
263 of the United States for its consent and approval of this Compact, if it
264 is determined by the Commission that this consent is appropriate. In
265 the absence of the consent of the Congress and until consent is secured,
266 if that consent is determined appropriate, this Compact is binding upon
267 the states of Missouri and Kansas in all respects permitted by law of
268 the two states.

269 Q. The Commission shall have the power to perform all other
270 necessary and incidental functions and duties and to exercise all other
271 necessary and appropriate powers, not inconsistent with other
272 provisions of this Compact or the constitution or laws of the United
273 States or of either of the states of Kansas or Missouri, that it deems
274 appropriate to effectuate the purposes for which this District and the
275 Commission are created.

276 VII. BALLOT QUESTIONS

277 A. The Commission, as required by Article VI, Section C, shall

278 **develop Program Plans for Regional Programs to be submitted to the**
279 **qualified electors within the District. Each Program Plan developed by**
280 **the Commission shall be available to the public no later than one**
281 **hundred twenty days before the date or dates set by the Commission for**
282 **submission of a ballot question to the electors in the District.**

283 **B. The governing body of each county in the District shall**
284 **determine whether the provision of financial support for each Regional**
285 **Program is in the best interests of the citizens of the county and**
286 **whether the levy of a sales tax to provide, on a cooperative basis with**
287 **another county or other counties, for financial support of that Regional**
288 **Program would be economically practicable and cost beneficial to the**
289 **citizens of the county. Each governing body that makes an affirmative**
290 **determination with respect hereto shall, by majority vote, adopt a**
291 **resolution evidencing that determination and authorizing a vote of its**
292 **citizens on the ballot question for that Regional Program.**

293 **C. Upon adoption of a resolution pursuant to Section B of this**
294 **Article, the governing body of that county, promptly after adoption of**
295 **the resolution, shall request the county election commissioner to**
296 **submit the ballot question for that Regional Program to the qualified**
297 **electors of that county. Each such ballot question shall be printed on**
298 **the ballot and in the notice of election. Each ballot question shall be**
299 **submitted to the qualified electors of that county at the primary or**
300 **general election next following the date the request was filed with the**
301 **county election officer.**

302 **D. The ballot for the proposition in each county shall be in**
303 **substantially the following form:**

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

308 **YES** **NO**

309 **E. The governing body of each of the counties that requested**
310 **their county election commissioner submit the ballot question to its**
311 **qualified electors also shall provide their respective county election**
312 **officers with copies of the additional language prepared by the**
313 **Commission, pursuant to Article VI, Section F, which additional**

314 language shall be included by each such county on the ballot.

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

319 G. The Commission may determine, in its discretion, that
320 separate ballot questions of whether: (1) a sales tax for the support of
321 Trails and Greenways; and/or (2) a sales tax for the support of a Traffic
322 Management System shall also be submitted to the qualified electors at
323 the first election to be held on Regional Programs, pursuant to this
324 Compact.

325 H. The Commission may further determine, in its discretion, as
326 a complete alternative to the submission of ballot questions
327 contemplated by Sections F and G of this Article, that any combination
328 of the Regional Programs set forth in Article III, Section G, shall be
329 included as components of a comprehensive Regional Program and that
330 a sales tax in support of that comprehensive Regional Program shall be
331 submitted to the qualified electors at the first election to be held on
332 Regional Programs, pursuant to this Compact. In this instance, the
333 Commission shall have developed a Program Plan for that
334 comprehensive Regional Program, as required by Section B of this
335 Article and Article VII, Section A, which Program Plan shall describe
336 all of the components of the comprehensive Regional Program;
337 provided that, it shall include a Public Transit System, and provide for
338 the appropriation and use of moneys for each component of the
339 comprehensive Regional Plan.

340 I. The governing body of any county in the District that does not
341 pass the resolution contemplated by Section B of this Article in time to
342 cause the placement of the ballot question before the qualified electors
343 of that county at the first election or any subsequent election to be held
344 on Regional Programs, pursuant to this Compact, may adopt that
345 resolution at any time thereafter, and that ballot question shall be
346 provided to the election commissioner of that county and submitted to
347 the qualified electors of the county at the next primary or general
348 election, in accordance with Section C of this Article.

349 J. In each county where a majority of the qualified electors
350 voting in an election shall have cast an affirmative vote on a ballot

351 question, that ballot question shall be approved.

352 K. If a ballot question is submitted to the qualified electors of a
353 county in the District, and the ballot question is not approved in that
354 county, following defeat of the ballot question, the governing body of
355 that county or counties may renew procedures to levy the sales tax in
356 support of that Regional Program. A defeat of a ballot question in any
357 county shall not affect the approval of that ballot question in any other
358 county, which approval shall continue to have effect.

359 L. No county in the District shall levy a sales tax specified herein
360 until the qualified electors in all the counties designated by the
361 Commission in the Program Plan for the subject Regional Program, as
362 those that must approve the sales tax, have approved the levy of the
363 sales tax to support the Program Plan for that Regional Program.

364 M. When, but only when, the electors in all of the counties
365 designated by the Commission in the Program Plan for the subject
366 Regional Program, as those that must approve the sales tax, have
367 approved this ballot question, the governing body of each such county,
368 at the first available opportunity, shall take all required actions to
369 begin levying this tax.

370 N. Any of the counties that have elected by a vote of its electors
371 to levy a sales tax authorized by this section may cease to levy this
372 sales tax upon the majority vote of the qualified electors of the county
373 on a ballot question submitted to qualified electors asking if that
374 county should cease to levy this sales tax. This vote shall take place in
375 the same manner provided in this section for levying this sales tax;
376 provided that, no vote to cease to levy this sales tax shall take place in
377 any county on a date earlier than a date that is five years from the date
378 that county approved this sales tax. Provided further, in no event shall
379 any county cease to levy this sales tax until that county has entered
380 into a written agreement with the Commission, which agreement shall
381 provide for the terms of cessation, and shall specifically provide: (1) a
382 means to ensure that the county pays a fair share of the outstanding
383 obligations incurred by the District in furtherance of its established
384 purposes; and (2) for the ongoing operations and maintenance or the
385 termination of any facilities or services established in the county with
386 support provided by the Commission. The governing body of a county
387 that has decided by this vote to cease to levy this sales tax shall send

388 formal written notice thereof to each of the other counties comprising
389 the District. In no event, shall the county cease to levy the sales tax
390 earlier than ninety days after this notice has been sent. If any county
391 in the District decides to cease levying the sales tax, the status of the
392 District as a political subdivision of the states of Kansas and Missouri
393 shall be unaltered and that county shall continue to have the
394 representation on the Commission, as set forth in Article V of this
395 Compact.

396 **VIII. ELIGIBLE USES OF FUNDS**

397 A. The Commission shall only budget and authorize the
398 appropriation of monies for the following eligible purposes:

399 1. the actual and reasonably necessary expenses of the
400 Commission and Oversight Committee, including, but not limited to,
401 staff personnel, auditors, budget and financial consultation, legal
402 assistance, administrative, operational, planning and engineering
403 consultation and marketing, as well as for the actual and reasonably
404 necessary expenses of individual Commission and Committee members
405 that are incurred in the performance of their official duties; provided
406 that, the Commission, in each fiscal year, shall not appropriate, for this
407 purpose, any monies in excess of an amount that is equal to one percent
408 of the funds appropriated to the Commission in that fiscal year by all
409 of the counties imposing this sales tax; and

410 2. the support of voter approved Regional Programs within the
411 District;

412 3. if in support of a Public Transit System, only pursuant to a
413 contract with bodies corporate and politic, political subdivisions of the
414 states of Missouri and/or Kansas or local units of government in the
415 states of Missouri or Kansas, provided, however, the Commission may,
416 in its discretion, require that entities contracted with shall procure a
417 set percentage of Public Transit System services from third party
418 contractors on a competitive basis; and

419 4. only in support of a Regional Program in counties that have
420 voted affirmatively to impose a sales tax in support of that Regional
421 Program.

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

425 C. A minimum of eighty percent of the monies derived from the
426 sales tax imposed for all Regional Programs at the first election held
427 on Regional Programs or from a sales tax imposed at any subsequent
428 election in a county in support of a Regional Program that includes a
429 Public Transit System, and which is collected and is credited to the
430 Regional Investment Fund, shall be used to support a Public Transit
431 System in the District.

432 **IX. THE OVERSIGHT COMMITTEE**

433 A. An Oversight Committee shall be appointed by the
434 Commission for each Regional Program, as provided for in Article VI,
435 Section G hereof. Each Committee shall be composed of elected
436 officials of jurisdictions that are within a county where a majority of
437 the qualified electors voting on the ballot question have cast an
438 affirmative vote on the imposition of a sales tax to support the subject
439 Regional Program. Each Oversight Committee shall be composed of the
440 elected officials designated in the Program Plan for that Regional
441 Program. Each Oversight Committee shall include a minimum of one
442 elected representative from each county that approves that ballot
443 question, elected representatives from both cities and counties and
444 each representative shall be approved by the chief elected official of
445 the county from which they are elected. If the Program Plan describes
446 a Regional Program that serves both Missouri and Kansas, the
447 Oversight Committee shall be composed of an equal number of elected
448 representatives from each state. In such instances, no action of the
449 Commission shall be binding unless taken at a meeting at which at least
450 a quorum is present, and unless a majority of the Commissioners from
451 each state, present at the meeting, shall vote in favor thereof. The
452 number of individuals comprising the Oversight Committee shall be in
453 the sole discretion of the Commission.

454 B. Each Oversight Committee shall be appointed within forty-five
455 days of certification that the ballot question has been approved by the
456 last of the counties designated by the Commission in the Program Plan
457 for the subject Regional Plan, pursuant to Article VI, Section C,1
458 hereof, to so certify and shall begin functioning immediately upon its
459 appointment by the Commission. If, pursuant to Article VII, Section K,
460 additional counties within the District shall approve the ballot
461 question, the Commission shall appoint a minimum of one additional

462 representative from each such county to the Oversight Committee.

463 C. Each appointed Oversight Committee shall fix the time and
464 place at which its meetings shall be held. Meetings shall be held at a
465 location in a county that has approved the imposition of the sales tax
466 to support the Program Plan for the subject Regional Program and
467 shall be open to the public. Public notice shall be given of all meetings
468 of the Committee.

469 D. The Committee members shall each be subject to the
470 provisions of the laws of either the State of Kansas or the State of
471 Missouri (depending upon the Committee member's state of residence)
472 that relate to conflicts of interest of public officers and employees. If
473 any Committee member has a direct or indirect financial interest in
474 any facility, service provider, organization or activity supported by the
475 District or Commission or in any other business transaction of the
476 District or Commission, the Committee member shall disclose that
477 interest in writing to the members of the Commissioners and to the
478 other members of the Committee and shall abstain from voting on any
479 matter in relation to that facility, organization or activity or to that
480 business transaction with respect to which that Committee member has
481 the interest.

482 E. If any action at law or equity, or other legal proceeding, shall
483 be brought against any Committee member for any act or omission
484 arising out of the performance of duties as a Committee member, the
485 Committee member shall be indemnified in whole and held harmless by
486 the Commission for any judgment or decree entered against the
487 Committee member and, further, shall be defended at the cost and
488 expense of the Commission in any resulting proceeding.

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

494 **X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE**

495 A. The Oversight Committee for each approved Regional
496 Program is charged with the oversight of the appropriation and use of
497 moneys generated from the sales taxes and credited to the Regional
498 Investment Fund. These moneys shall be appropriated only for the

499 Eligible Uses set forth in Article VIII of this Compact.

500 B. Each Oversight Committee shall only provide support for and
501 allocate and appropriate monies for programs, services and facilities
502 that are consistent with the voter approved Program Plan developed by
503 the Commission and only for programs, services and facilities in
504 counties that have approved the imposition of a sales tax in support of
505 that Regional Program. If the Committee is uncertain or has any
506 question about whether a specific appropriation of moneys or support
507 activity is consistent with the Program Plan developed by the
508 Commission, it shall seek a determination on that question from the
509 Commission.

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

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

515 E. Each Oversight Committee shall provide the information that
516 the Commission shall require to allow the Commission to prepare
517 annually a report on the operations and transactions conducted by the
518 Commission during the preceding year relating to the approved
519 Regional Programs.

520 XI. FINANCE

521 A. The moneys necessary to finance the operation of the District,
522 implement the voter approved Program Plans and execute the powers,
523 duties and responsibilities of the Commission shall be appropriated to
524 the Commission by the counties comprising the District, which, in
525 accordance with Article VII, Section J of the Compact, have approved
526 the ballot question for the subject Regional Program. The moneys to
527 be appropriated to the Commission shall be raised by the governing
528 bodies of the respective counties by the levy of taxes, fees, charges or
529 any other revenue, as authorized by the legislatures of the respective
530 party states.

531 B. Neither the Commission nor any Oversight Committee shall
532 incur any indebtedness of any kind; nor shall they pledge the credit of
533 MARC or any jurisdiction that is party to MARC's Articles of Agreement
534 or either of the states party to this Compact, except as specifically
535 authorized by this Compact. The budget of the District shall be

536 prepared, adopted and published, as provided by law, for other political
537 subdivisions of the party states.

538 C. The Commission and each Oversight Committee shall keep
539 accurate accounts of all receipts and disbursements. The receipts and
540 disbursements of the Commission shall be audited yearly by a certified
541 or licensed public accountant and the report of the audit shall be
542 included in and become a part of the annual report of the Commission.

543 D. The accounts of the Commission shall be open at any
544 reasonable time for inspection by duly authorized representatives of
545 the compacting states, the counties comprising the District, and other
546 persons authorized by the Commission.

547 XII. ENTRY INTO FORCE

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

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

553 XIII. TERMINATION

554 A. The Compact shall continue in force and remain binding upon
555 a party state until its legislature shall have enacted a statute repealing
556 the same and providing for the sending of formal written notice of
557 enactment of that statute to the legislature of the other party
558 state. Upon enactment of that statute by the legislature of either party
559 state, the sending of notice thereof to the other party and payment of
560 any obligations that the Commission may have incurred prior to the
561 effective date of that statute, the agreement of the party states
562 embodied in the Compact shall be deemed fully executed, the Compact
563 shall be null and void and of no further force or effect, the District
564 shall be dissolved, and the Commission shall be abolished. If any
565 monies remain in the Regional Investment Fund upon dissolution of
566 this Compact, the Commission may distribute these monies to an entity
567 or organization selected by the Commission to be used to support
568 purposes for which the District is hereby created, as stated in Article
569 II of this Compact.

570 XIV. CONSTRUCTION AND SEVERABILITY

571 A. The provisions of this Compact shall be liberally construed
572 and shall be severable. If any phrase, clause, sentence or provision of

573 this Compact is declared to be contrary to the constitutions of either
574 of the party states or of the United States or the applicability thereof
575 to any government, agency, person or circumstance is held invalid, the
576 validity of the remainder of this Compact and the applicability thereof
577 to any government, agency, person or circumstance shall not be
578 affected thereby. If this Compact shall be held contrary to the
579 constitution of either party state hereto, the Compact shall thereby be
580 nullified and 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
3 collect a tax for the purpose of contributing to the financial support of
4 the 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
10 than one-half percent in the aggregate. Any county levying a
11 countywide sales tax under the authority of this section is hereby
12 prohibited from administering or collecting the tax locally, but shall
13 utilize the services of the state department of revenue to administer,
14 enforce and collect the tax. The sales tax shall be administered,
15 enforced and collected in the same manner and by the same procedure
16 as other countywide sales taxes are levied and collected and shall be in
17 addition to any other sales tax authorized by law. Except as modified
18 in this section, all provisions of sections 32.085 and 32.087, RSMo, shall

19 apply to the tax imposed pursuant to this section. Upon receipt of a
20 certified copy of a resolution authorizing the levy of a countywide sales
21 tax pursuant to this section, the director of the department of revenue
22 shall cause this tax to be collected at the same time and in the same
23 manner provided for the collection of the state sales tax. All moneys
24 derived from the countywide sales tax imposed under the authority of
25 the compact enacted in section 70.515 and collected pursuant to the
26 provisions of this section by the director of revenue shall be credited
27 to the "Regional Investment Fund", which is hereby established in the
28 state treasury. Any refund due on any countywide sales tax collected
29 pursuant to this section shall be paid out of the sales tax refund fund
30 and reimbursed by the director of revenue from the sales tax revenue
31 collected pursuant to this section. All countywide sales tax revenue
32 derived from the authority granted by the compact enacted in section
33 70.515 and collected within any county, pursuant to this section, shall
34 be remitted at least quarterly by the director of revenue to the
35 treasurer of that county.

36 2. All revenue received by any county treasurer from a
37 countywide sales tax imposed under the authority of the compact
38 enacted in section 70.515 and pursuant to this section shall be
39 appropriated by the county to the Kansas and Missouri regional
40 investment district commission within sixty days of receipt of the funds
41 by the county for expenditure by the commission pursuant to, and in
42 accordance with, the provisions of the Kansas and Missouri regional
43 investment district compact, enacted in section 70.515. If any revenue
44 remains upon nullification and voidance of the Kansas and Missouri
45 regional investment district compact, pursuant to section 70.515, the
46 director of revenue shall authorize the state treasurer to remit the
47 balance in the account to the county and close the account of that
48 county.

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

53 4. Notwithstanding the provisions of section 99.845.2, RSMo, to
54 the contrary, the revenues from the countywide sales taxes imposed by
55 counties under the authority of the compact enacted in section 70.515

56 **and pursuant hereto shall not be allocated to and paid by the state**
57 **department of revenue to any special allocation fund established by any**
58 **municipality pursuant to sections 99.800 to 99.865, RSMo, the real**
59 **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.**

✓

Unofficial

Bill

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