

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 825
93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOSTER.

Offered April 4, 2006.

Senate Substitute adopted, April 4, 2006.

Taken up for Perfection April 4, 2006. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

4118S.04P

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
2 sections, to be known as sections 70.515, 70.520, 70.525, 70.530, 70.535, and
3 70.540, to read as follows:

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

5 **KANSAS AND MISSOURI REGIONAL INVESTMENT DISTRICT COMPACT**

6 **I. AGREEMENT AND PLEDGE**

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

12 **II. POLICY AND PURPOSE**

13 **The states of Kansas and Missouri desire, by common action, to**
14 **provide support for regional programs and initiatives that will produce**
15 **significant benefit to the Kansas City metropolitan area, with the goal**

16 of making more efficient use of resources through inter-jurisdictional
17 cooperation on strategic regional initiatives, promoting regionally
18 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, vehicles, potentially including, but not
62 limited to, vans, buses, bus rapid transit, commuter rail, and other
63 fixed guideways, equipment, software, telecommunications networks,
64 plants, parking or other facilities, transit centers, stops, park-n-ride
65 lots, transit related surface transportation improvements and rights-of-
66 way used or useful for the purposes of public transit, which provides
67 significant regional benefit, and the acquisition, construction,
68 reconstruction, repair, maintenance, administration and operations
69 thereof and similar activities related thereto, whether operated by one
70 or multiple entities.

71 H. "Regional Program" means a program involving a Public
72 Transit System.

73 IV. DISTRICT

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

81 Clay County, Missouri	Wyandotte County, Kansas
82 Platte County, Missouri	Johnson County, Kansas
83 Jackson County, Missouri	Leavenworth County, Kansas
84 Cass County, Missouri	
85 Ray County, Missouri	
86 Buchanan County, Missouri	

87 B. The District automatically shall be expanded to include
88 Kansas and Missouri cities, counties and other political subdivisions
89 that hereafter shall become parties to the Articles of Agreement

90 executed on January 1, 1972, and thereafter amended, upon the
91 execution of the Articles of Agreement by the governing body of such
92 political subdivisions.

93 **V. THE COMMISSION**

94 **A. The District shall be governed by the Commission, which shall**
95 **be a body corporate and politic and shall be composed of voting**
96 **members of MARC, as that Council is constituted from time to time and**
97 **which is also known as the Board of Directors. All of the members of**
98 **the Commission shall be elected officials from the jurisdiction that**
99 **appointed them as voting members of MARC's Board of Directors.**

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

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

110 **D. The Commission shall select annually, from its membership,**
111 **a chairperson, a vice chairperson, and a treasurer. The treasurer shall**
112 **be bonded in the amounts the Commission may require.**

113 **E. The Commission may appoint the officers, agents, and**
114 **employees, as it may require for the performance of the Commission's**
115 **duties, and shall determine the qualifications and duties and fix the**
116 **compensation of those officers, agents and employees.**

117 **F. The Commission shall fix the time and place at which its**
118 **meetings shall be held. Meetings shall be held within the District and**
119 **shall be open to the public. Public notice shall be given of all meetings**
120 **of the Commission.**

121 **G. A majority of the Commissioners from each state shall**
122 **constitute, in the aggregate, a quorum for the transaction of business.**
123 **No action of the Commission shall be binding unless taken at a meeting**
124 **at which at least a quorum is present, and unless a majority of the**
125 **Commissioners from each state, present at the meeting, shall vote in**
126 **favor thereof. No action of the Commission taken at a meeting thereof**

127 shall be binding unless the subject of the action is included in a written
128 agenda for the meeting, the agenda and notice of meeting having been
129 provided to each Commissioner at least seven calendar days prior to
130 the meeting.

131 H. The Commissioners from each state shall each be subject to
132 the provisions of the laws of either the State of Kansas or the State of
133 Missouri (depending upon the Commissioner's state of residence)
134 relating to conflicts of interest of public officers and employees. If any
135 Commissioner has a direct or indirect financial interest in any facility,
136 service provider, organization or activity supported by the District or
137 Commission or in any other business transaction of the District or
138 Commission, the Commissioner shall disclose that interest in writing
139 to the other Commissioners and shall abstain from voting on any matter
140 in relation to that facility, organization or activity or to that business
141 transaction.

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

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

153 VI. POWERS AND DUTIES OF THE COMMISSION

154 A. The Commission, formally the governing body of the District,
155 shall primarily function as the planning and administrative arm for the
156 District. The Commission shall: undertake community planning to
157 identify regional programs and initiatives that will produce significant
158 benefit to the Kansas City metropolitan area; fully develop the specifics
159 regarding existing regional programs and initiatives and those newly
160 identified regional programs and initiatives; prepare Program Plans for
161 certain regional programs and initiatives in consultation with local
162 officials and the public; prepare ballot questions for programs and
163 initiatives that the Commission determines could appropriately be

164 supported by the sales tax authorized by this Compact; and carry out
165 the directives of each appointed Oversight Committee in the
166 implementation of Regional Programs approved by District qualified
167 electors in accordance with the terms of this Compact.

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

170 C. The Commission shall develop one Program Plan for each
171 Regional Program, which Program Plans shall generally describe the
172 Regional Program and provide for the appropriation and use of moneys
173 in support of that Regional Program only for the purposes set forth in
174 Article II and the Eligible Uses set forth in Article VIII of this
175 Compact. Each Program Plan shall also designate:

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

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

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

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

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

200 F. The Commission may prepare additional ballot language

201 generally describing each Regional Program and the use and allocation
202 of the sales tax proposed to be imposed for the support of that Regional
203 Program, and shall submit that additional language to each county
204 within the District. If additional ballot language is so submitted by the
205 Commission, and a county governing body decides to place the ballot
206 question before the qualified electors of that county, the additional
207 ballot language shall be placed on the subject ballot by that governing
208 body.

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

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

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

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

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

233 L. The Commission may appoint advisory committees to provide
234 input, consultation, guidance and assistance to the Commission on
235 matters and issues related to any purposes for which the District and
236 the Commission are hereby created.

237 M. The Commission may form whatever partnerships,

238 associations, joint ventures or other affiliations, formal or otherwise,
239 as it deems appropriate and that are in furtherance of the purposes for
240 which the District and the Commission are created.

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

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

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

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

271 VII. BALLOT QUESTIONS

272 A. The Commission, as required by Article VI, Section C, shall
273 develop Program Plans for Regional Programs to be submitted to the
274 qualified electors within the District. Each Program Plan developed by

275 the Commission shall be available to the public no later than one
276 hundred twenty days before the date or dates set by the Commission for
277 submission of a ballot question to the electors in the District.

278 B. The governing body of each county in the District shall
279 determine whether the provision of financial support for each Regional
280 Program is in the best interests of the citizens of the county and
281 whether the levy of a sales tax to provide, on a cooperative basis with
282 another county or other counties, for financial support of that Regional
283 Program would be economically practicable and cost beneficial to the
284 citizens of the county and the District. Each governing body that
285 makes an affirmative determination with respect hereto shall adopt a
286 resolution evidencing that determination and authorizing a vote of its
287 citizens on the ballot question for that Regional Program, by a two-
288 thirds (2/3) majority vote of the members elect of the governing body.

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

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

300 Shall a sales tax (insert amount, not to exceed one-half
301 cent) be levied and collected in County for the support
302 of a Regional Program that will produce significant benefit within the
303 Kansas and Missouri Regional Investment District?

304 YES NO

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

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

315 G. The governing body of any county in the District that does not
316 pass the resolution contemplated by Section B of this Article in time to
317 cause the placement of the ballot question before the qualified electors
318 of that county at the first election or any subsequent election to be held
319 on Regional Programs, pursuant to this Compact, may adopt that
320 resolution at any time thereafter, and that ballot question shall be
321 provided to the election commissioner of that county and submitted to
322 the qualified electors of the county at the next primary or general
323 election, in accordance with Section C of this Article.

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

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

334 J. No county in the District shall levy a sales tax specified herein
335 until the qualified electors in all the counties designated by the
336 Commission in the Program Plan for the subject Regional Program, as
337 those that must approve the sales tax, have approved the levy of the
338 sales tax to support the Program Plan for that Regional Program.

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

347 L. When, but only when, the electors in all of the counties

348 designated by the Commission in the Program Plan for the subject
349 Regional Program, as those that must approve the sales tax, have
350 approved that ballot question, the governing body of each county that
351 has approved that ballot question, at the first available opportunity,
352 shall take all required actions to begin levying this tax.

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

379 VIII. ELIGIBLE USES OF FUNDS

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

382 1. the actual and reasonably necessary expenses of the
383 Commission and Oversight Committee, including, but not limited to,
384 staff personnel, auditors, budget and financial consultation, legal

385 assistance, administrative, operational, planning and engineering
386 consultation and marketing, as well as for the actual and reasonably
387 necessary expenses of individual Commission and Committee members
388 that are incurred in the performance of their official duties; provided
389 that, the Commission, in each fiscal year, shall not appropriate, for this
390 purpose, any monies in excess of an amount that is equal to one percent
391 of the funds appropriated to the Commission in that fiscal year by all
392 of the counties imposing this sales tax; and

393 2. the support of voter approved Regional Programs within the
394 District;

395 3. if in support of a Public Transit System, only pursuant to a
396 contract with bodies corporate and politic, political subdivisions of the
397 states of Missouri and/or Kansas or local units of government in the
398 states of Missouri or Kansas, provided, however, the Commission may,
399 in its discretion, require that entities contracted with shall procure a
400 set percentage of Public Transit System services from third party
401 contractors on a competitive basis; and

402 4. only in support of a Regional Program in counties that have
403 voted affirmatively to impose a sales tax in support of that Regional
404 Program.

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

408 IX. THE OVERSIGHT COMMITTEE

409 A. An Oversight Committee shall be appointed by the
410 Commission for each Regional Program, as provided for in Article VI,
411 Section G hereof. Each Committee shall be composed of elected
412 officials of jurisdictions that are within a county where a majority of
413 the qualified electors voting on the ballot question have cast an
414 affirmative vote on the imposition of a sales tax to support the subject
415 Regional Program. Each Oversight Committee shall be composed of the
416 elected officials designated in the Program Plan for that Regional
417 Program. Each Oversight Committee shall include a minimum of one
418 elected representative from each county that approves that ballot
419 question and elected representatives from both cities and counties and
420 each representative shall be approved by the chief elected official of
421 the county or city from which they are elected. If the Program Plan

422 describes a Regional Program that serves both Missouri and Kansas,
423 the Oversight Committee shall be composed of an equal number of
424 elected representatives from each state. In such instances, no action
425 of the Commission shall be binding unless taken at a meeting at which
426 at least a quorum is present, and unless a majority of the
427 Commissioners from each state, present at the meeting, shall vote in
428 favor thereof. The number of individuals comprising the Oversight
429 Committee shall be in the sole discretion of the Commission.

430 B. Each Oversight Committee shall be appointed within forty-five
431 days of certification that the ballot question has been approved by the
432 last of the counties designated by the Commission in the Program Plan
433 for the subject Regional Plan, pursuant to Article VI, Section C,1
434 hereof, to so certify and shall begin functioning immediately upon its
435 appointment by the Commission. If, pursuant to Article VII, Section K,
436 additional counties within the District shall approve the ballot
437 question, the Commission shall appoint a minimum of one additional
438 representative from each such county to the Oversight Committee.

439 C. Each appointed Oversight Committee shall fix the time and
440 place at which its meetings shall be held. Meetings shall be held at a
441 location in a county that has approved the imposition of the sales tax
442 to support the Program Plan for the subject Regional Program and
443 shall be open to the public. Public notice shall be given of all meetings
444 of the Committee.

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

458 E. If any action at law or equity, or other legal proceeding, shall

459 be brought against any Committee member for any act or omission
460 arising out of the performance of duties as a Committee member, the
461 Committee member shall be indemnified in whole and held harmless by
462 the Commission for any judgment or decree entered against the
463 Committee member and, further, shall be defended at the cost and
464 expense of the Commission in any resulting proceeding.

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

470 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

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

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

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

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

491 E. Each Oversight Committee shall provide the information that
492 the Commission shall require to allow the Commission to prepare
493 annually a report on the operations and transactions conducted by the
494 Commission during the preceding year relating to the approved
495 Regional Programs. This information shall include an annual financial

496 statement prepared in accordance with General Accepted Accounting
497 Principles (GAAP). The Oversight Committee for a Public Transit
498 Service Regional Program shall also provide a report on operational
499 statistics, including statistics on the ridership of the Public Transit
500 System funded with sales tax revenues resulting from the authority
501 granted by this Compact, comparing ridership in the then current fiscal
502 year to ridership in the three fiscal years next preceding.

503 XI. FINANCE

504 A. The moneys necessary to finance the operation of the District,
505 implement the voter approved Program Plans and execute the powers,
506 duties and responsibilities of the Commission shall be appropriated to
507 the Commission by the counties comprising the District, which, in
508 accordance with Article VII, Section J of the Compact, have approved
509 the ballot question for the subject Regional Program. The moneys to
510 be appropriated to the Commission shall be raised by the governing
511 bodies of the respective counties by the levy of taxes, fees, charges or
512 any other revenue, as authorized by the legislatures of the respective
513 party states.

514 B. Neither the Commission nor any Oversight Committee shall
515 incur any indebtedness of any kind; nor shall they pledge the credit of
516 MARC or any jurisdiction that is party to MARC's Articles of Agreement
517 or either of the states party to this Compact, except as specifically
518 authorized by this Compact. The budget of the District shall be
519 prepared, adopted and published, as provided by law, for other political
520 subdivisions of the party states.

521 C. The Commission and each Oversight Committee shall keep
522 accurate accounts of all receipts and disbursements. The receipts and
523 disbursements of the Commission shall be audited yearly by a certified
524 or licensed public accountant and the report of the audit shall be
525 included in and become a part of the annual report of the Commission.

526 D. The accounts of the Commission shall be open at any
527 reasonable time for inspection by duly authorized representatives of
528 the compacting states, the counties comprising the District, and other
529 persons authorized by the Commission.

530 XII. ENTRY INTO FORCE

531 A. This Compact shall enter into force and become effective and
532 binding upon the states of Kansas and Missouri when it has been

533 entered into law by the legislatures of the respective states.

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

536 XIII. TERMINATION

537 A. The Compact shall continue in force and remain binding upon
538 a party state until its legislature shall have enacted a statute repealing
539 the same and providing for the sending of formal written notice of
540 enactment of that statute to the legislature of the other party
541 state. Upon enactment of that statute by the legislature of either party
542 state, the sending of notice thereof to the other party and payment of
543 any obligations that the Commission may have incurred prior to the
544 effective date of that statute, the agreement of the party states
545 embodied in the Compact shall be deemed fully executed, the Compact
546 shall be null and void and of no further force or effect, the District
547 shall be dissolved, and the Commission shall be abolished. If any
548 monies remain in the Regional Investment Fund upon dissolution of
549 this Compact, the Commission may distribute these monies to an entity
550 or organization selected by the Commission to be used to support
551 purposes for which the District is hereby created, as stated in Article
552 II of this Compact.

553 XIV. CONSTRUCTION AND SEVERABILITY

554 A. The provisions of this Compact shall be liberally construed
555 and shall be severable. If any phrase, clause, sentence or provision of
556 this Compact is declared to be contrary to the constitutions of either
557 of the party states or of the United States or the applicability thereof
558 to any government, agency, person or circumstance is held invalid, the
559 validity of the remainder of this Compact and the applicability thereof
560 to any government, agency, person or circumstance shall not be
561 affected thereby. If this Compact shall be held contrary to the
562 constitution of either party state hereto, the Compact shall thereby be
563 nullified and voided and of no further force or effect.

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

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

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

65 4. Notwithstanding the provisions of section 99.845.2, RSMo, to
66 the contrary, the revenues from the countywide sales taxes imposed by
67 counties under the authority of the compact enacted in section 70.515
68 and pursuant hereto shall not be allocated to and paid by the state
69 department of revenue to any special allocation fund established by any

70 **municipality pursuant to sections 99.800 to 99.865, RSMo, the real**
71 **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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