

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 671

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time March 1, 2007, and ordered printed.

Read 2nd time March 5, 2007, and referred to the Committee on Economic Development, Tourism and Local Government.

Reported from the Committee March 8, 2007, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 26, 2007. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

2520L.01P

AN ACT

To repeal sections 70.515 and 70.545, RSMo, and to enact in lieu thereof two new sections relating to the regional investment district compact.

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

Section A. Sections 70.515 and 70.545, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 70.515 and 70.545, to read as follows:

70.515. **Subject to the applicable provisions of section 70.545**, 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] **participants in this Compact** 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,] **purpose of this Compact is** to provide support for regional programs and initiatives that will produce significant benefit to the Kansas City metropolitan area, with the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 goal of making more efficient use of resources through inter-jurisdictional
17 cooperation on strategic regional programs and initiatives involving public
18 transit.

19 III. DEFINITIONS

20 A. "Commission" means the governing body of the [Kansas and Missouri]
21 Regional Investment District.

22 B. "District" means the [Kansas and Missouri] Regional Investment
23 District.

24 C. "[Kansas and Missouri] Regional Investment District" or "District"
25 means a political subdivision of the states [of Kansas and Missouri, which] **that**
26 **have adopted this Compact**, is created by this Compact and which is composed
27 of **Buchanan County and of** those Kansas and Missouri counties, cities and
28 other political subdivisions that are now or hereafter shall become parties to the
29 Articles of Agreement executed on January 1, 1972, and thereafter amended,
30 which geographic area covered by those political subdivisions is therein
31 designated as the Mid-America Regional Planning Area.

32 D. "Mid-America Regional Council or MARC" means the body corporate
33 and politic created by the Articles of Agreement, originally executed on January
34 1, 1972, and as thereafter amended, which therein assumed all the rights, duties
35 and obligations of the Mid-America Council of Governments and the Metropolitan
36 Planning Commission - Kansas City Region.

37 E. "Oversight Committee or Committee" means a body or bodies appointed
38 by the Commission for a Regional Program that shall be constituted as set forth
39 in Article IX of this Compact and that shall have the powers set forth in Article
40 X of this Compact.

41 F. "Program Plan" means a plan developed for a proposed ballot question
42 by the Commission, as required by Article VI, Section C of this Compact, that
43 describes a Regional Program and provides for the appropriation and use of
44 moneys derived from the sales tax authorized by this Compact in support of that
45 Regional Program.

46 G. "Public Transit System" or "Transit System" means, without limitation,
47 a regional system of public transit, consisting of property, structures,
48 improvements, vehicles, potentially including, but not limited to, vans, buses, bus
49 rapid transit, commuter rail, and other fixed guideways, equipment, software,
50 telecommunications networks, plants, parking or other facilities, transit centers,
51 stops, park-n-ride lots, transit related surface transportation improvements and

52 rights-of-way used or useful for the purposes of public transit, which provides
53 significant regional benefit, and the acquisition, construction, reconstruction,
54 repair, maintenance, administration and operations thereof and similar activities
55 related thereto, whether operated by one or multiple entities.

56 H. "Regional Program" means a program involving a Public Transit
57 System.

58 IV. DISTRICT

59 A. Upon this Compact being entered into law by the [Legislatures]
60 **Legislature** of the [respective states] **State of Missouri**, the Regional
61 Investment District is created and shall include Buchanan County, Missouri, and
62 all the geographic area within the jurisdictional limits of those [Kansas and]
63 Missouri counties that are parties to the Articles of Agreement executed on
64 January 1, 1972, and thereafter amended, which area is designated as the
65 Mid-America Regional Planning Area, and currently includes the following
66 counties:

67 Clay County, Missouri	[Wyandotte County, Kansas]
68 Platte County, Missouri	[Johnson County, Kansas]
69 Jackson County, Missouri	[Leavenworth County, Kansas]
70 Cass County, Missouri	
71 Ray County, Missouri	

72 B. **In the event that the Legislature of the State of Kansas enacts**
73 **legislation adopting this Compact, the Regional Investment District**
74 **shall also include all the geographic area within the jurisdictional**
75 **limits of those Kansas counties that are parties to the Articles of**
76 **Agreement executed on January 1, 1972, and thereafter amended, which**
77 **area is designated as the Mid-America Regional Planning Area, and**
78 **currently includes the following counties:**

79 **Wyandotte County, Kansas**
80 **Johnson County, Kansas**
81 **Leavenworth County, Kansas**

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

87 V. THE COMMISSION

88 A. The District shall be governed by the Commission, which shall be a
89 body corporate and politic and shall be composed of voting members of MARC, as
90 that Council is constituted from time to time and which is also known as the
91 Board of Directors and may include an elected chief official from Buchanan
92 County appointed by its chief official. All of the members of the Commission
93 shall be elected officials from the jurisdiction that appointed them as voting
94 members of MARC's Board of Directors; **provided that all members of the**
95 **Commission shall be from a jurisdiction in a state that has adopted the**
96 **Compact.**

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

104 C. The Commission shall begin functioning immediately upon creation of
105 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 bonded
108 in the amounts the Commission may require.

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

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

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

124 least seven calendar days prior to the meeting.

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

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

140 J. Each member of the Commission shall serve as a member of the
141 Commission without compensation for that service, except for payment of their
142 actual and reasonably necessary expenses, as provided by Article VIII, Section A,
143 1.

144 VI. POWERS AND DUTIES OF THE COMMISSION

145 A. The Commission, formally the governing body of the District, shall
146 primarily function as the planning and administrative arm for the District. The
147 Commission shall: undertake community planning to identify regional programs
148 and initiatives that will produce significant benefit to the Kansas City
149 metropolitan area; fully develop the specifics regarding existing regional
150 programs and initiatives and those newly identified regional programs and
151 initiatives; prepare a Program Plan for regional programs and initiatives in
152 consultation with local officials and the public; prepare ballot questions for
153 programs and initiatives that the Commission determines could appropriately be
154 supported by the sales tax authorized by this Compact; and assist an appointed
155 Oversight Committee when requested by the Oversight Committee in the
156 implementation of any Regional Program approved by District qualified electors
157 in accordance with the terms of this Compact.

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

160 C. The Commission shall develop a Program Plan for a Regional Program
161 that it determines could appropriately be supported by the sales tax authorized
162 by the Compact, which Program Plan shall generally describe the Regional
163 Program and provide for the appropriation and use of moneys in support of that
164 Regional Program only for the Eligible Uses set forth in Article VIII of this
165 Compact. A Program Plan shall also designate:

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

170 2. the duration of the sales tax imposed in support of the Regional
171 Program, which may be described in terms of the number of years the tax shall
172 be imposed, a maximum number of dollars that may be raised by the sales tax
173 imposed or any other reasonable means of establishing the duration of the sales
174 tax; provided that the sales tax shall not extend beyond the fifteen (15) years
175 following the date of the first receipt by the county treasurer of revenue from the
176 sales tax imposed to support the Regional Program unless renewed by the
177 qualified electors of that county prior to its expiration; and

178 3. the composition of the Oversight Committee to be appointed by the
179 Commission for that Regional Program, which composition shall be consistent
180 with Article IX, Section A of this Compact.

181 D. The Commission, subject to the requirements of Article VII, Section C,
182 shall set the date or dates by which the election shall be held pursuant to this
183 Compact and shall recommend those counties or county which shall hold a vote
184 on the ballot question prepared by the Commission for that Regional Program.

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

189 F. The Commission may prepare additional ballot language generally
190 describing a Regional Program and the use and allocation of the sales tax
191 proposed to be imposed for the support of a Regional Program, and shall submit
192 that additional language to each county within the District. If additional ballot
193 language is so submitted by the Commission, and a county governing body decides
194 to place the ballot question before the qualified electors of that county, the
195 additional ballot language shall be placed on the subject ballot by that governing

196 body.

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

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

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

209 J. In accordance with written guidelines adopted by the Commission,
210 which guidelines shall be consistent with the Program Plans required by Article
211 VI, Section C, the Commission may receive or provide donations, contributions,
212 and grants or other support, financial or otherwise, from public or private
213 entities, for Program Plans and the Eligible Uses set forth in Article VIII of this
214 Compact.

215 K. The Commission shall execute those contracts and agreements as an
216 Oversight Committee shall direct to implement the Program Plan developed for
217 an approved Regional Program, provided that, the Commission determines each
218 contract is consistent with the Program Plan.

219 L. The Commission may appoint advisory committees to provide input,
220 consultation, guidance and assistance to the Commission on matters and issues
221 related to any purposes for which the District and the Commission are hereby
222 created.

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

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

231 O. The Commission shall cause to be prepared annually a report on the

232 operations and transactions conducted by the Commission during the preceding
233 year. The report shall be an open record submitted to the legislatures and
234 governors of the compacting states and to the governing bodies of the jurisdictions
235 that are then a party to MARC's Articles of Agreement and of Buchanan County,
236 Missouri, on or before March 15th of each calendar year, commencing on March
237 15th of the year following the year in which the certification described in Article
238 IV, Section B hereof occurs. The Commission shall take those actions as are
239 reasonably required to make this report readily available to the public.

240 P. The Commission shall have the power to apply to the Congress of the
241 United States for its consent and approval of this Compact, if it is determined by
242 the Commission that this consent is appropriate. In the absence of the consent
243 of the Congress and until consent is secured, if that consent is determined
244 appropriate, this Compact is binding upon [the states of Missouri and Kansas]
245 **any state that has enacted it** in all respects permitted by **that state's** law [of
246 the two states].

247 Q. The Commission shall have the power to perform all other necessary
248 and incidental functions and duties and to exercise all other necessary and
249 appropriate powers, not inconsistent with other provisions of this Compact or the
250 constitution or laws of the United States or of [either of] the **state or** states [of
251 Kansas or Missouri] **in which its members are located**, that it deems
252 appropriate to effectuate the purposes for which this District and the Commission
253 are created.

254 VII. BALLOT QUESTIONS

255 A. The Commission, as required by Article VI, Section C, shall develop
256 Program Plans for Regional Programs to be submitted to the qualified electors
257 within the District. A Program Plan developed by the Commission shall be
258 available to the public for review and comment in advance of dates set by the
259 Commission for submission of a ballot question to the electors in the District.

260 B. The governing body of each county in the District shall determine
261 whether the provision of financial support for a Regional Program is in the best
262 interests of the citizens of the county and whether the levy of a sales tax to
263 provide, on a cooperative basis with another county or other counties, for
264 financial support of the Regional Program would be economically practicable and
265 cost beneficial to the citizens of the county and the District. Each governing body
266 that makes an affirmative determination with respect hereto shall adopt a
267 resolution evidencing that determination and authorizing a vote of its citizens on

268 the ballot question for the Regional Program, by a two-thirds (2/3) majority vote
269 of the members elect of the governing body.

270 C. Upon adoption of a resolution pursuant to Section B of this Article, the
271 governing body of that county, promptly after adoption of the resolution, shall
272 request the county election commissioner to submit the ballot question for that
273 Regional Program to the qualified electors of that county. Each such ballot
274 question shall be printed on the ballot and in the notice of election. Each ballot
275 question shall be submitted to the qualified electors of that county at the primary
276 or general election next following the date the request was filed with the county
277 election officer.

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

280 Shall a sales tax (insert amount, not to exceed one-half cent)
281 be levied and collected in County for the support of a
282 Regional Program that will produce significant benefit within the [Kansas and
283 Missouri] Regional Investment District, with such tax to extend no longer than
284 (insert years not to exceed fifteen) years following the first receipt by
285 the county treasurer of revenue from such tax?

286 ☐ YES ☐ NO

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

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

296 G. The governing body of any county in the District that does not pass the
297 resolution contemplated by Section B of this Article in time to cause the
298 placement of the ballot question before the qualified electors of that county at the
299 first election or any subsequent election to be held on Regional Programs,
300 pursuant to this Compact, may adopt that resolution at any time thereafter, and
301 that ballot question shall be provided to the election commissioner of that county
302 and submitted to the qualified electors of the county at the next primary or
303 general election, in accordance with Section C of this Article.

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

307 I. If a ballot question is submitted to the qualified electors of a county in
308 the District, and the ballot question is not approved in that county, following
309 defeat of the ballot question, the governing body of that county or counties may
310 renew procedures to levy the sales tax in support of that Regional Program. A
311 defeat of a ballot question in any county shall not affect the approval of that
312 ballot question in any other county, which approval shall continue to have effect.

313 J. No county in the District shall levy a sales tax specified herein until
314 the qualified electors in all the counties designated by the Commission in the
315 Program Plan for the subject Regional Program, as those that must approve the
316 sales tax, have approved the levy of the sales tax to support the Program Plan for
317 that Regional Program.

318 K. [With respect to the first election to be held on Regional Programs
319 pursuant to this Compact, no sales tax shall be levied by any county which has
320 adopted the resolution contemplated by Section B and has submitted the ballot
321 question to the qualified voters of that county pursuant to Section C of this
322 Article, unless and until a majority of the qualified electors of at least Johnson
323 and Wyandotte Counties, Kansas, and Jackson County, Missouri, has approved
324 the levy of a sales tax for the Regional Program involving a Public Transit
325 System.

326 L.] When, but only when, the electors in all of the counties designated by
327 the Commission in the Program Plan for the Regional Program, as those that
328 must approve the sales tax, have approved that ballot question, the governing
329 body of each county that has approved that ballot question, at the first available
330 opportunity, shall take all required actions to begin levying this tax.

331 [M.] L. Any of the counties that have elected by a vote of its electors to
332 levy a sales tax authorized by this Compact may cease to levy this sales tax upon
333 the majority vote of the qualified electors of the county on a ballot question
334 submitted to qualified electors asking if that county should cease to levy this
335 sales tax. This vote shall take place in the same manner provided in this section
336 for levying this sales tax; provided that, no vote to cease to levy this sales tax
337 shall take place in any county on a date earlier than a date that is five years from
338 the date that county approved this sales tax. Provided further, in no event shall
339 any county cease to levy this sales tax until that county has entered into a

340 written agreement with the Commission, which agreement shall provide for the
341 terms of cessation, and shall specifically provide: (1) a means to ensure that the
342 county pays a fair share of the outstanding obligations incurred by the District
343 in furtherance of its established purposes; and (2) for the ongoing operations and
344 maintenance or the termination of any facilities or services established in the
345 county with support provided by the Commission. The governing body of a county
346 that has decided by this vote to cease to levy this sales tax shall send formal
347 written notice thereof to each of the other counties comprising the District. In no
348 event, shall the county cease to levy the sales tax earlier than ninety days after
349 this notice has been sent. If any county in the District decides to cease levying
350 the sales tax, the status of the District as a political subdivision of the states of
351 Kansas and Missouri shall be unaltered and that county shall continue to have
352 the representation on the Commission, as set forth in Article V of this Compact.

353 VIII. ELIGIBLE USES OF FUNDS

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

356 1. the actual and reasonably necessary expenses of the Commission and
357 Oversight Committee, including, but not limited to, staff personnel, auditors,
358 budget and financial consultation, legal assistance, administrative, operational,
359 planning and engineering consultation and marketing, as well as for the actual
360 and reasonably necessary expenses of individual Commission and Committee
361 members that are incurred in the performance of their official duties; provided
362 that, the Commission, in each fiscal year, shall not appropriate, for this purpose,
363 any monies in excess of an amount that is equal to one percent of the funds
364 appropriated to the Commission in that fiscal year by all of the counties imposing
365 this sales tax; and

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

367 3. only pursuant to a contract with bodies corporate and politic, political
368 subdivisions of the states of Missouri or Kansas and/or local units of government
369 in the states of Missouri or Kansas, provided, however, the Commission may, in
370 its discretion, require that entities contracted with shall procure a set percentage
371 of Public Transit System services from third party contractors on a competitive
372 basis; and

373 4. only in support of a Regional Program in counties that have voted
374 affirmatively to impose a sales tax in support of that Regional Program.

375 B. The aggregate amount of sales taxes imposed by any county within the

376 District, pursuant to the authority granted in this Compact, shall not exceed
377 one-half cent.

378 IX. THE OVERSIGHT COMMITTEE

379 A. An Oversight Committee shall be appointed by the Commission for a
380 Regional Program, as provided for in Article VI, Section G hereof. An Oversight
381 Committee shall be composed of elected officials of jurisdictions that are within
382 a county where a majority of the qualified electors voting on the ballot question
383 have cast an affirmative vote on the imposition of a sales tax to support the
384 subject Regional Program. An Oversight Committee shall be composed of the
385 elected officials designated in the Program Plan for the Regional Program. An
386 Oversight Committee shall include a minimum of one elected representative from
387 each county that approves that ballot question and elected representatives from
388 both cities and counties and each representative shall be approved by the chief
389 elected official of the county or city from which they are elected. If the Program
390 Plan describes a Regional Program that serves both Missouri and Kansas, the
391 Oversight Committee shall be composed of an equal number of elected
392 representatives from each state. In such instances, no action of the Commission
393 shall be binding unless taken at a meeting at which at least a quorum is present,
394 and unless a majority of the Commissioners from each state, present at the
395 meeting, shall vote in favor thereof. The number of individuals comprising the
396 Oversight Committee shall be in the sole discretion of the Commission.

397 B. An Oversight Committee shall be appointed within forty-five days of
398 certification that the ballot question has been approved by the last of the counties
399 designated by the Commission in the Program Plan for the Regional Plan,
400 pursuant to Article VI, Section C, 1 hereof, to so certify and shall begin
401 functioning immediately upon its appointment by the Commission. If, pursuant
402 to Article VII, Section K, additional counties within the District shall approve the
403 ballot question, the Commission shall appoint a minimum of one additional
404 representative from each such county to the Oversight Committee.

405 C. An appointed Oversight Committee shall fix the time and place at
406 which its meetings shall be held. Meetings shall be held at a location in a county
407 that has approved the imposition of the sales tax to support the Program Plan for
408 the subject Regional Program and shall be open to the public. Public notice shall
409 be given of all meetings of the Committee.

410 D. The Committee members shall each be subject to the provisions of the
411 laws of either the State of Kansas or the State of Missouri (depending upon the

412 Committee member's state of residence) that relate to conflicts of interest of
413 public officers and employees. If any Committee member has a direct or indirect
414 financial interest in any facility, service provider, organization or activity
415 supported by the District or Commission or in any other business transaction of
416 the District or Commission, the Committee member shall disclose that interest
417 in writing to the members of the Commission and to the other members of the
418 Committee and shall abstain from voting on any matter in relation to that
419 facility, organization or activity or to that business transaction with respect to
420 which that Committee member has the interest.

421 E. If any action at law or equity, or other legal proceeding, shall be
422 brought against any Committee member for any act or omission arising out of the
423 performance of duties as a Committee member, the Committee member shall be
424 indemnified in whole and held harmless by the Commission for any judgment or
425 decree entered against the Committee member and, further, shall be defended at
426 the cost and expense of the Commission in any resulting proceeding.

427 F. The Oversight Committee for a Regional Program shall terminate on
428 the date when all of the moneys derived from the sales tax imposed by any or all
429 counties in the District to support the Program Plan for that Regional Program
430 and which have been credited to the Regional Investment Fund have been
431 expended.

432 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

433 A. The Oversight Committee for an approved Regional Program is charged
434 with the oversight of the appropriation and use of moneys generated from the
435 sales taxes and credited to the Regional Investment Fund. These moneys shall
436 be appropriated only for the Eligible Uses set forth in Article VIII of this
437 Compact.

438 B. An Oversight Committee shall only provide support for and allocate
439 and appropriate monies for programs, services and facilities that are consistent
440 with the voter approved Program Plan developed by the Commission and only for
441 programs, services and facilities in counties that have approved the imposition
442 of a sales tax in support of the Regional Program. If the Committee is uncertain
443 or has any question about whether a specific appropriation of moneys or support
444 activity is consistent with the Program Plan developed by the Commission, it
445 shall seek a determination on that question from the Commission.

446 C. An Oversight Committee, as appropriate, shall direct that the
447 Commission execute those contracts and agreements necessary or desirable to

448 implement the Program Plan developed by the Commission.

449 D. An Oversight Committee shall adopt suitable bylaws governing its
450 management, procedure and its effective operations.

451 E. An Oversight Committee shall provide the information that the
452 Commission shall require to allow the Commission to prepare annually a report
453 on the operations and transactions conducted by the Commission during the
454 preceding year relating to the approved Regional Programs. This information
455 shall include an annual financial statement prepared in accordance with General
456 Accepted Accounting Principles (GAAP). The Oversight Committee for a Public
457 Transit Service Regional Program shall also provide a report on operational
458 statistics, including statistics on the ridership of the Public Transit System
459 funded with sales tax revenues resulting from the authority granted by this
460 Compact, comparing ridership in the then current fiscal year to ridership in the
461 three fiscal years next preceding.

462 XI. FINANCE

463 A. The moneys necessary to finance the operation of the District,
464 implement the voter approved Program Plans and execute the powers, duties and
465 responsibilities of the Commission shall be appropriated to the Commission by
466 the counties comprising the District, which, in accordance with Article VII,
467 Section J of the Compact, have approved the ballot question for the subject
468 Regional Program. The moneys to be appropriated to the Commission, in addition
469 to the sales tax authorized by this Compact, may be raised by the governing
470 bodies of the respective counties by the levy of taxes, fees, charges or any other
471 revenue, as authorized by those counties or cities in those counties or by the
472 legislatures of the respective party states, provided nothing herein shall require
473 either state to make appropriations for any purpose.

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

480 C. The Commission and an Oversight Committee shall keep accurate
481 accounts of all receipts and disbursements. The receipts and disbursements of
482 the Commission shall be audited yearly by a certified or licensed public
483 accountant and the report of the audit shall be included in and become a part of

484 the annual report of the Commission.

485 D. The accounts of the Commission shall be open at any reasonable time
486 for inspection by duly authorized representatives of [the compacting states] **a**
487 **state that has enacted this Compact**, the counties comprising the District,
488 and other persons authorized by the Commission.

489 XII. ENTRY INTO FORCE

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

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

495 XIII. TERMINATION

496 A. The Compact shall continue in force and remain binding upon a party
497 state until its legislature shall have enacted a statute repealing the same and
498 providing for the sending of formal written notice of enactment of that statute to
499 the legislature of the other party state. Upon enactment of that statute by the
500 legislature of either party state, the sending of notice thereof to the other party
501 and payment of any obligations that the Commission may have incurred prior to
502 the effective date of that statute, the agreement of the party states embodied in
503 the Compact shall be deemed fully executed, the Compact shall be null and void
504 and of no further force or effect, the District shall be dissolved, and the
505 Commission shall be abolished. If any monies remain in the Regional Investment
506 Fund upon dissolution of this Compact, the Commission may distribute these
507 monies to an entity or organization selected by the Commission to be used to
508 support purposes for which the District is hereby created, as stated in Article II
509 of this Compact.

510 XIV. CONSTRUCTION AND SEVERABILITY

511 A. The provisions of this Compact shall be liberally construed and shall
512 be severable. If any phrase, clause, sentence or provision of this Compact is
513 declared to be contrary to the constitutions of either [of the party states] **a state**
514 **that has enacted this Compact** or of the United States or **if** the applicability
515 thereof to any government, agency, person or circumstance is held invalid, the
516 validity of the remainder of this Compact and the applicability thereof to any
517 government, agency, person or circumstance shall not be affected thereby. If this
518 Compact shall be held contrary to the constitution of either party state hereto,
519 the Compact shall thereby be nullified and voided and of no further force or

520 effect.

70.545. If the state of Kansas has not [authorized the compact as outlined
2 in section 70.515] **enacted the Compact** by [July 1] **August 28, 2007, then**
3 **the district described in section 70.515 shall nonetheless be created,**
4 **and the district,** any Missouri county in the district [and], the [district,]
5 Commission, and an oversight committee shall have all the powers and duties
6 and may operate as set forth in sections 70.515 to 70.545, **provided that:**

7 **1. The Regional Investment District created in section 70.515**
8 **shall be known as the "Missouri Regional Investment District", shall be**
9 **a political subdivision solely of the state of Missouri, and shall consist**
10 **only of those Missouri counties that are within the Mid-America**
11 **Regional Planning Area and Buchanan County. All references to a**
12 **"Regional Investment District" or "District" in section 70.515 shall be**
13 **deemed to refer exclusively to the "Missouri Regional Investment**
14 **District".**

15 **2. Article XII of the Compact shall be inapplicable.**

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