

FIRST REGULAR SESSION

HOUSE BILL NO. 1009

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRATT.

Read 1st time February 28, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2523L.01I

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Section A. Sections 70.515 and 70.545, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 70.515 and 70.545, to read as follows: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 goal of making more efficient use of resources through inter-jurisdictional cooperation on strategic regional programs and initiatives involving public transit.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 III. DEFINITIONS

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

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

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

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

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

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

38 G. "Public Transit System" or "Transit System" means, without limitation, a regional
39 system of public transit, consisting of property, structures, improvements, vehicles, potentially
40 including, but not limited to, vans, buses, bus rapid transit, commuter rail, and other fixed
41 guideways, equipment, software, telecommunications networks, plants, parking or other
42 facilities, transit centers, stops, park-n-ride lots, transit related surface transportation
43 improvements and rights-of-way used or useful for the purposes of public transit, which provides
44 significant regional benefit, and the acquisition, construction, reconstruction, repair,
45 maintenance, administration and operations thereof and similar activities related thereto, whether
46 operated by one or multiple entities.

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

48 IV. DISTRICT

49 A. Upon this Compact being entered into law by the [Legislatures] **Legislature** of the
50 [respective states] **State of Missouri**, the Regional Investment District is created and shall
51 include Buchanan County, Missouri, and all the geographic area within the jurisdictional limits

52 of those [Kansas and] Missouri counties that are parties to the Articles of Agreement executed
53 on January 1, 1972, and thereafter amended, which area is designated as the Mid-America
54 Regional Planning Area, and currently includes the following counties:

55 Clay County, Missouri [Wyandotte County, Kansas]
56 Platte County, Missouri [Johnson County, Kansas]
57 Jackson County, Missouri [Leavenworth County, Kansas]
58 Cass County, Missouri
59 Ray County, Missouri

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

66 **Wyandotte County, Kansas**
67 **Johnson County, Kansas**
68 **Leavenworth County, Kansas**

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

73 **V. THE COMMISSION**

74 **A.** The District shall be governed by the Commission, which shall be a body corporate
75 and politic and shall be composed of voting members of MARC, as that Council is constituted
76 from time to time and which is also known as the Board of Directors and may include an elected
77 chief official from Buchanan County appointed by its chief official. All of the members of the
78 Commission shall be elected officials from the jurisdiction that appointed them as voting
79 members of MARC's Board of Directors; **provided that all members of the Commission shall**
80 **be from a jurisdiction in a state that has adopted the Compact.**

81 **B.** The terms of the members of the Commission shall expire concurrently with the
82 member's tenure as an elected official of a jurisdiction that is a party to MARC's Articles of
83 Agreement. If a jurisdiction that is a party to MARC's Articles of Agreement appoints a different
84 member of its governing body to MARC, that newly appointed individual shall assume the
85 position of the member replaced. Each member shall serve until that member's replacement has
86 been sworn in as an elected official.

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

89 D. The Commission shall select annually, from its membership, a chairperson, a vice
90 chairperson, and a treasurer. The treasurer shall be bonded in the amounts the Commission may
91 require.

92 E. The Commission may appoint the officers, agents, and employees, as it may require
93 for the performance of the Commission's duties, and shall determine the qualifications and duties
94 and fix the compensation of those officers, agents and employees.

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

98 G. A majority of the Commissioners from each state **that has enacted the Compact**
99 shall constitute, in the aggregate, a quorum for the transaction of business. No action of the
100 Commission shall be binding unless taken at a meeting at which at least a quorum is present, and
101 unless a majority of the Commissioners from each state, present at the meeting, shall vote in
102 favor thereof. No action of the Commission taken at a meeting thereof shall be binding unless
103 the subject of the action is included in a written agenda for the meeting, the agenda and notice
104 of meeting having been provided to each Commissioner at least seven calendar days prior to the
105 meeting.

106 H. The Commissioners from each state shall each be subject to the provisions of the laws
107 of either the State of Kansas or the State of Missouri (depending upon the Commissioner's state
108 of residence) relating to conflicts of interest of public officers and employees. If any
109 Commissioner has a direct or indirect financial interest in any facility, service provider,
110 organization or activity supported by the District or Commission or in any other business
111 transaction of the District or Commission, the Commissioner shall disclose that interest in
112 writing to the other Commissioners and shall abstain from voting on any matter in relation to that
113 facility, organization or activity or to that business transaction.

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

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

122 VI. POWERS AND DUTIES OF THE COMMISSION

123 A. The Commission, formally the governing body of the District, shall primarily function
124 as the planning and administrative arm for the District. The Commission shall: undertake
125 community planning to identify regional programs and initiatives that will produce significant
126 benefit to the Kansas City metropolitan area; fully develop the specifics regarding existing
127 regional programs and initiatives and those newly identified regional programs and initiatives;
128 prepare a Program Plan for regional programs and initiatives in consultation with local officials
129 and the public; prepare ballot questions for programs and initiatives that the Commission
130 determines could appropriately be supported by the sales tax authorized by this Compact; and
131 assist an appointed Oversight Committee when requested by the Oversight Committee in the
132 implementation of any Regional Program approved by District qualified electors in accordance
133 with the terms of this Compact.

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

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

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

144 2. the duration of the sales tax imposed in support of the Regional Program, which may
145 be described in terms of the number of years the tax shall be imposed, a maximum number of
146 dollars that may be raised by the sales tax imposed or any other reasonable means of establishing
147 the duration of the sales tax; provided that the sales tax shall not extend beyond the fifteen (15)
148 years following the date of the first receipt by the county treasurer of revenue from the sales tax
149 imposed to support the Regional Program unless renewed by the qualified electors of that county
150 prior to its expiration; and

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

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

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

161 F. The Commission may prepare additional ballot language generally describing a
162 Regional Program and the use and allocation of the sales tax proposed to be imposed for the
163 support of a Regional Program, and shall submit that additional language to each county within
164 the District. If additional ballot language is so submitted by the Commission, and a county
165 governing body decides to place the ballot question before the qualified electors of that county,
166 the additional ballot language shall be placed on the subject ballot by that governing body.

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

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

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

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

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

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

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

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

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

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

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

217 VII. BALLOT QUESTIONS

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

223 B. The governing body of each county in the District shall determine whether the
224 provision of financial support for a Regional Program is in the best interests of the citizens of
225 the county and whether the levy of a sales tax to provide, on a cooperative basis with another
226 county or other counties, for financial support of the Regional Program would be economically
227 practicable and cost beneficial to the citizens of the county and the District. Each governing
228 body that makes an affirmative determination with respect hereto shall adopt a resolution

229 evidencing that determination and authorizing a vote of its citizens on the ballot question for the
230 Regional Program, by a two-thirds (2/3) majority vote of the members elect of the governing
231 body.

232 C. Upon adoption of a resolution pursuant to Section B of this Article, the governing
233 body of that county, promptly after adoption of the resolution, shall request the county election
234 commissioner to submit the ballot question for that Regional Program to the qualified electors
235 of that county. Each such ballot question shall be printed on the ballot and in the notice of
236 election. Each ballot question shall be submitted to the qualified electors of that county at the
237 primary or general election next following the date the request was filed with the county election
238 officer.

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

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

246 ☐ YES ☐ NO

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

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

255 G. The governing body of any county in the District that does not pass the resolution
256 contemplated by Section B of this Article in time to cause the placement of the ballot question
257 before the qualified electors of that county at the first election or any subsequent election to be
258 held on Regional Programs, pursuant to this Compact, may adopt that resolution at any time
259 thereafter, and that ballot question shall be provided to the election commissioner of that county
260 and submitted to the qualified electors of the county at the next primary or general election, in
261 accordance with Section C of this Article.

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

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

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

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

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

284 [M.] L. Any of the counties that have elected by a vote of its electors to levy a sales tax
285 authorized by this Compact may cease to levy this sales tax upon the majority vote of the
286 qualified electors of the county on a ballot question submitted to qualified electors asking if that
287 county should cease to levy this sales tax. This vote shall take place in the same manner
288 provided in this section for levying this sales tax; provided that, no vote to cease to levy this sales
289 tax shall take place in any county on a date earlier than a date that is five years from the date that
290 county approved this sales tax. Provided further, in no event shall any county cease to levy this
291 sales tax until that county has entered into a written agreement with the Commission, which
292 agreement shall provide for the terms of cessation, and shall specifically provide: (1) a means
293 to ensure that the county pays a fair share of the outstanding obligations incurred by the District
294 in furtherance of its established purposes; and (2) for the ongoing operations and maintenance
295 or the termination of any facilities or services established in the county with support provided
296 by the Commission. The governing body of a county that has decided by this vote to cease to
297 levy this sales tax shall send formal written notice thereof to each of the other counties
298 comprising the District. In no event, shall the county cease to levy the sales tax earlier than
299 ninety days after this notice has been sent. If any county in the District decides to cease levying

300 the sales tax, the status of the District as a political subdivision of the states of Kansas and
301 Missouri shall be unaltered and that county shall continue to have the representation on the
302 Commission, as set forth in Article V of this Compact.

303 VIII. ELIGIBLE USES OF FUNDS

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

306 1. the actual and reasonably necessary expenses of the Commission and Oversight
307 Committee, including, but not limited to, staff personnel, auditors, budget and financial
308 consultation, legal assistance, administrative, operational, planning and engineering consultation
309 and marketing, as well as for the actual and reasonably necessary expenses of individual
310 Commission and Committee members that are incurred in the performance of their official
311 duties; provided that, the Commission, in each fiscal year, shall not appropriate, for this purpose,
312 any monies in excess of an amount that is equal to one percent of the funds appropriated to the
313 Commission in that fiscal year by all of the counties imposing this sales tax; and

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

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

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

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

324 IX. THE OVERSIGHT COMMITTEE

325 A. An Oversight Committee shall be appointed by the Commission for a Regional
326 Program, as provided for in Article VI, Section G hereof. An Oversight Committee shall be
327 composed of elected officials of jurisdictions that are within a county where a majority of the
328 qualified electors voting on the ballot question have cast an affirmative vote on the imposition
329 of a sales tax to support the subject Regional Program. An Oversight Committee shall be
330 composed of the elected officials designated in the Program Plan for the Regional Program. An
331 Oversight Committee shall include a minimum of one elected representative from each county
332 that approves that ballot question and elected representatives from both cities and counties and
333 each representative shall be approved by the chief elected official of the county or city from
334 which they are elected. If the Program Plan describes a Regional Program that serves both
335 Missouri and Kansas, the Oversight Committee shall be composed of an equal number of elected

336 representatives from each state. In such instances, no action of the Commission shall be binding
337 unless taken at a meeting at which at least a quorum is present, and unless a majority of the
338 Commissioners from each state, present at the meeting, shall vote in favor thereof. The number
339 of individuals comprising the Oversight Committee shall be in the sole discretion of the
340 Commission.

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

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

352 D. The Committee members shall each be subject to the provisions of the laws of either
353 the State of Kansas or the State of Missouri (depending upon the Committee member's state of
354 residence) that relate to conflicts of interest of public officers and employees. If any Committee
355 member has a direct or indirect financial interest in any facility, service provider, organization
356 or activity supported by the District or Commission or in any other business transaction of the
357 District or Commission, the Committee member shall disclose that interest in writing to the
358 members of the Commission and to the other members of the Committee and shall abstain from
359 voting on any matter in relation to that facility, organization or activity or to that business
360 transaction with respect to which that Committee member has the interest.

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

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

370 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

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

375 B. An Oversight Committee shall only provide support for and allocate and appropriate
376 monies for programs, services and facilities that are consistent with the voter approved Program
377 Plan developed by the Commission and only for programs, services and facilities in counties that
378 have approved the imposition of a sales tax in support of the Regional Program. If the
379 Committee is uncertain or has any question about whether a specific appropriation of moneys
380 or support activity is consistent with the Program Plan developed by the Commission, it shall
381 seek a determination on that question from the Commission.

382 C. An Oversight Committee, as appropriate, shall direct that the Commission execute
383 those contracts and agreements necessary or desirable to implement the Program Plan developed
384 by the Commission.

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

387 E. An Oversight Committee shall provide the information that the Commission shall
388 require to allow the Commission to prepare annually a report on the operations and transactions
389 conducted by the Commission during the preceding year relating to the approved Regional
390 Programs. This information shall include an annual financial statement prepared in accordance
391 with General Accepted Accounting Principles (GAAP). The Oversight Committee for a Public
392 Transit Service Regional Program shall also provide a report on operational statistics, including
393 statistics on the ridership of the Public Transit System funded with sales tax revenues resulting
394 from the authority granted by this Compact, comparing ridership in the then current fiscal year
395 to ridership in the three fiscal years next preceding.

396 XI. FINANCE

397 A. The moneys necessary to finance the operation of the District, implement the voter
398 approved Program Plans and execute the powers, duties and responsibilities of the Commission
399 shall be appropriated to the Commission by the counties comprising the District, which, in
400 accordance with Article VII, Section J of the Compact, have approved the ballot question for the
401 subject Regional Program. The moneys to be appropriated to the Commission, in addition to the
402 sales tax authorized by this Compact, may be raised by the governing bodies of the respective
403 counties by the levy of taxes, fees, charges or any other revenue, as authorized by those counties
404 or cities in those counties or by the legislatures of the respective party states, provided nothing
405 herein shall require either state to make appropriations for any purpose.

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

411 C. The Commission and an Oversight Committee shall keep accurate accounts of all
412 receipts and disbursements. The receipts and disbursements of the Commission shall be audited
413 yearly by a certified or licensed public accountant and the report of the audit shall be included
414 in and become a part of the annual report of the Commission.

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

418 XII. ENTRY INTO FORCE

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

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

424 XIII. TERMINATION

425 A. The Compact shall continue in force and remain binding upon a party state until its
426 legislature shall have enacted a statute repealing the same and providing for the sending of
427 formal written notice of enactment of that statute to the legislature of the other party state. Upon
428 enactment of that statute by the legislature of either party state, the sending of notice thereof to
429 the other party and payment of any obligations that the Commission may have incurred prior to
430 the effective date of that statute, the agreement of the party states embodied in the Compact shall
431 be deemed fully executed, the Compact shall be null and void and of no further force or effect,
432 the District shall be dissolved, and the Commission shall be abolished. If any monies remain in
433 the Regional Investment Fund upon dissolution of this Compact, the Commission may distribute
434 these monies to an entity or organization selected by the Commission to be used to support
435 purposes for which the District is hereby created, as stated in Article II of this Compact.

436 XIV. CONSTRUCTION AND SEVERABILITY

437 A. The provisions of this Compact shall be liberally construed and shall be severable.
438 If any phrase, clause, sentence or provision of this Compact is declared to be contrary to the
439 constitutions of either [of the party states] **a state that has enacted this Compact** or of the
440 United States or **if** the applicability thereof to any government, agency, person or circumstance
441 is held invalid, the validity of the remainder of this Compact and the applicability thereof to any

442 government, agency, person or circumstance shall not be affected thereby. If this Compact shall
443 be held contrary to the constitution of either party state hereto, the Compact shall thereby be
444 nullified and voided and of no further force or effect.

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

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

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

✓