

HOUSE BILL No. 2751

By Committee on Taxation

1-27

9 AN ACT enacting the Kansas and Missouri regional investment district
10 compact.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. The Kansas and Missouri regional investment district
14 compact is hereby enacted into law and entered into with the state of
15 Missouri legally joining therein in the form substantially as follows:

16

I. AGREEMENT AND PLEDGE

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

22

II. POLICY AND PURPOSE

23 The states of Kansas and Missouri desire, by common action, to provide
24 support for regional programs and initiatives that will produce significant
25 benefit to the Kansas City metropolitan area, with the goals of making
26 more efficient use of resources through inter-jurisdictional cooperation
27 on strategic regional initiatives; promoting regionally interconnected in-
28 frastructure and programs, including public transit; improving the met-
29 ropolitan area quality of life; providing for a cleaner and more healthy
30 regional environment; and enhancing the economic development efforts
31 of counties and cities within the Kansas City metropolitan area and region.

32 Accordingly, the states of Kansas and Missouri hereby declare that it
33 is the policy of each state to realize these desires on a basis of cooperation
34 with one another, and that the purpose of this Compact is to provide a
35 mechanism to secure and coordinate support for regional programs and
36 initiatives that will produce significant benefit to the Kansas City metro-
37 politan area.

38

III. DEFINITIONS

39 As used herein:

40 A. "Commission" means the governing body of the Kansas and Mis-
41 souri regional investment district.

42 B. "District" means the Kansas and Missouri regional investment
43 district.

1 C. “Kansas and Missouri Regional Investment District” or “District”
2 means a political subdivision of the states of Kansas and Missouri, which
3 is created by this Compact and which is composed of those Kansas and
4 Missouri counties, cities and other political subdivisions that are now or
5 hereafter shall become parties to the Articles of Agreement executed on
6 January 1, 1972, and thereafter amended, which geographic area covered
7 by those political subdivisions is therein designated as the Mid-America
8 Regional Planning Area.

9 D. “Mid-America Regional Council or MARC” means the body cor-
10 porate and politic created by the Articles of Agreement, originally exe-
11 cuted on January 1, 1972, and as thereafter amended, which therein as-
12 sumed all the rights, duties and obligations of the Mid-America Council
13 of Governments and the Metropolitan Planning Commission - Kansas
14 City Region.

15 E. “Oversight Committee or Committee” means a body or bodies
16 appointed by the Commission for each Regional Program that shall be
17 constituted as set forth in Article IX of this Compact and that shall have
18 the powers set forth in Article X of this Compact.

19 F. “Program Plan” means a plan developed for a proposed ballot
20 question by the Commission, as required by Article VI, Section C of this
21 Compact, that describes a Regional Program and provides for the approp-
22 riation and use of moneys derived from the sales tax authorized by this
23 Compact in support of that Regional Program.

24 G. “Public Transit System” or “Transit System” means, without lim-
25 itation, a regional system of public transit, consisting of property, struc-
26 tures, improvements, vehicles potentially including, but not limited to,
27 vans, buses, bus rapid transit, commuter rail, and other fixed guideways,
28 equipment, software, telecommunications networks, plants, parking or
29 other facilities, transit centers, stops, park-n-ride lots, transit-related sur-
30 face transportation improvements and rights-of-way used or useful for
31 the purposes of public transit, which provides significant regional benefit,
32 and the acquisition, construction, reconstruction, repair, maintenance,
33 administration and operations thereof and similar activities related
34 thereto, whether operated by one or multiple entities.

35 H. “Regional Program” means a program and/or initiative deemed to
36 be of significant regional benefit, including, but not limited to, a Public
37 Transit System.

38

IV. DISTRICT

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

1 nated as the Mid-America Regional Planning Area, and currently includes
 2 the following counties:

- | | | |
|---|--------------------------|----------------------------|
| 3 | Clay County, Missouri | Wyandotte County, Kansas |
| 4 | Platte County, Missouri | Johnson County, Kansas |
| 5 | Jackson County, Missouri | Leavenworth County, Kansas |
| 6 | Cass County, Missouri | Ray County, Missouri |

7 B. The District automatically shall be expanded to include Kansas
 8 and Missouri cities, counties and other political subdivisions that hereafter
 9 shall become parties to the Articles of Agreement executed on January 1,
 10 1972, and thereafter amended, upon the execution of the Articles of
 11 Agreement by the governing body of such political subdivisions.

12 V. THE COMMISSION

13 A. The District shall be governed by the Commission, which shall be
 14 a body corporate and politic and shall be composed of voting members
 15 of MARC, as that Council is constituted from time to time, and which is
 16 also known as the Board of Directors. All of the members of the Com-
 17 mission shall be elected officials from the jurisdiction that appointed them
 18 as voting members of MARC's Board of Directors.

19 B. The terms of the members of the Commission shall expire con-
 20 currently with the member's tenure as an elected official of a jurisdiction
 21 that is a party to MARC's Articles of Agreement. If a jurisdiction that is
 22 a party to MARC's Articles of Agreement appoints a different member
 23 of its governing body to MARC, that newly appointed individual shall
 24 assume the position of the member replaced. Each member shall serve
 25 until that member's replacement has been sworn in as an elected official.

26 C. The Commission shall begin functioning immediately upon crea-
 27 tion of the District, as provided for in Article IV, Section A hereof.

28 D. The Commission shall select annually, from its membership, a
 29 chairperson, a vice chairperson, and a treasurer. The treasurer shall be
 30 bonded in the amounts the Commission may require.

31 E. The Commission may appoint the officers, agents and employees,
 32 as it may require for the performance of the Commission's duties, and
 33 shall determine the qualifications and duties and fix the compensation of
 34 those officers, agents and employees.

35 F. The Commission shall fix the time and place at which its meetings
 36 shall be held. Meetings shall be held within the District and shall be open
 37 to the public. Public notice shall be given of all meetings of the
 38 Commission.

39 G. A majority of the Commissioners from each state shall constitute,
 40 in the aggregate, a quorum for the transaction of business. No action of
 41 the Commission shall be binding unless taken at a meeting at which at
 42 least a quorum is present, and unless a majority of the Commissioners
 43 from each state, present at the meeting, shall vote in favor thereof. No

1 action of the Commission taken at a meeting thereof shall be binding
2 unless the subject of the action is included in a written agenda for the
3 meeting, the agenda and notice of meeting having been provided to each
4 Commissioner at least seven calendar days prior to the meeting.

5 H. The Commissioners from each state shall each be subject to the
6 provisions of the laws of either the state of Kansas or the state of Missouri,
7 depending upon the Commissioner's state of residence, relating to con-
8 flicts of interest of public officers and employees. If any Commissioner
9 has a direct or indirect financial interest in any facility, service provider,
10 organization or activity supported by the District or Commission or in
11 any other business transaction of the District or Commission, the Com-
12 missioner shall disclose that interest in writing to the other Commission-
13 ers and shall abstain from voting on any matter in relation to that facility,
14 organization or activity or to that business transaction.

15 I. If any action at law or equity, or other legal proceeding, shall be
16 brought against any Commissioner for any act or omission arising out of
17 the performance of their duties as a Commissioner, the Commissioner
18 shall be indemnified in whole and held harmless by the Commission for
19 any judgment or decree entered against the Commissioner and, further,
20 shall be defended at the cost and expense of the Commission in any
21 resulting proceeding.

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

26 VI. POWERS AND DUTIES OF THE COMMISSION

27 A. The Commission, formally the governing body of the District, shall
28 primarily function as the planning and administrative arm for the District.
29 The Commission shall: Undertake community planning to identify re-
30 gional programs and initiatives that will produce significant benefit to the
31 Kansas City metropolitan area; fully develop the specifics regarding ex-
32 isting regional programs and initiatives and those newly identified re-
33 gional programs and initiatives; prepare Program Plans for certain re-
34 gional programs and initiatives in consultation with local officials and the
35 public; prepare ballot questions for programs and initiatives that the Com-
36 mission determines could appropriately be supported by the sales tax
37 authorized by this Compact; and carry out the directives of each ap-
38 pointed Oversight Committee in the implementation of Regional Pro-
39 grams approved by District qualified electors in accordance with the
40 terms of this Compact.

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

43 C. The Commission shall develop one Program Plan for each Re-

1 gional Program, which Program Plans shall generally describe the Re-
2 gional Program and provide for the appropriation and use of moneys in
3 support of that Regional Program only for the purposes set forth in Article
4 II and the eligible uses set forth in Article VIII of this Compact. Each
5 Program Plan shall also designate:

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

10 2. the duration of the sales tax imposed in support of the Regional
11 Program, which may be described in terms of the number of years the
12 sales tax shall be imposed, a maximum number of dollars that may be
13 raised by the sales tax imposed or any other reasonable means of estab-
14 lishing the duration of the sales tax; provided that the sales tax shall not
15 extend beyond 15 years following the date of the first receipt by the
16 county treasurer of revenue from the sales tax imposed to support the
17 Regional Program; and

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

21 D. The Commission shall set the date or dates by which the first
22 election and any subsequent election shall be held pursuant to this Com-
23 pact and shall recommend those counties or county which shall hold a
24 vote on the ballot questions prepared by the Commission for that Re-
25 gional Program.

26 E. For each election to be held pursuant to this Compact, the Com-
27 mission shall prepare and submit a ballot question to the governing body
28 of each county within the District. Each such question shall be in the
29 form set forth in Article VII, Section D of this Compact.

30 F. The Commission may prepare additional ballot language generally
31 describing each Regional Program and the use and allocation of the sales
32 tax proposed to be imposed for the support of that Regional Program,
33 and shall submit that additional language to each county within the Dis-
34 trict. If additional ballot language is so submitted by the Commission, and
35 a county governing body decides to place the ballot question before the
36 qualified electors of that county, the additional ballot language shall be
37 placed on the subject ballot by that governing body.

38 G. When a majority of the qualified electors in the county or counties
39 designated in the Program Plan for that Regional Program as one of those
40 counties that must cast an affirmative vote on the ballot question before
41 the sales tax may be imposed, have cast an affirmative vote, the Com-
42 mission shall, in accordance with Article IX, Section A of this Compact,
43 appoint one Oversight Committee for that Program Plan.

1 H. The Commission shall have the power to contract and to be con-
2 tracted with and to sue and to be sued.

3 I. The Commission, when it deems it necessary and when requested
4 to do so by an Oversight Committee, shall interpret or provide guidance
5 and further details, or both, on a Program Plan to assist in the oversight
6 of the appropriation and use of moneys by the Oversight Committee for
7 that Program Plan.

8 J. In accordance with written guidelines adopted by the Commission,
9 which guidelines shall be consistent with the goals stated in Article II
10 hereof and the Program Plans required by Article VI, Section C, the
11 Commission may provide donations, contributions, and grants or other
12 support, financial or otherwise, for Program Plans and the Eligible Uses
13 set forth in Article VIII of this Compact.

14 K. The Commission shall execute those contracts and agreements as
15 each Oversight Committee shall direct to implement the Program Plan
16 developed by the Commission for that approved Regional Program, pro-
17 vided that, the Commission determines that contract is consistent with
18 that Program Plan.

19 L. The Commission may appoint advisory committees to provide in-
20 put, consultation, guidance and assistance to the Commission on matters
21 and issues related to any purposes for which the District and the Com-
22 mission are hereby created.

23 M. The Commission may form whatever partnerships, associations,
24 joint ventures or other affiliations, formal or otherwise, as it deems ap-
25 propriate and that are in furtherance of the purposes for which the Dis-
26 trict and the Commission are hereby created.

27 N. The Commission may utilize assistance from any governmental or
28 non-governmental entity, as it shall determine appropriate, in the form
29 of personnel, technical expertise or other resources, to further the poli-
30 cies, purposes and goals of the District, as stated in Article II of this
31 Compact.

32 O. The Commission shall cause to be prepared annually a report on
33 the operations and transactions conducted by the Commission during the
34 preceding year. The report shall be and open record submitted to the
35 legislatures and governors of the compacting states and to the governing
36 bodies of the jurisdictions that are then a party to MARC's Articles of
37 Agreement on or before March 15 of each calendar year, commencing
38 on March 15 of the year following the year in which the certification
39 described in Article IV, Section B occurs. The Commission shall take
40 those actions as are reasonably required to make this report readily avail-
41 able to the public.

42 P. The Commission shall have the power to apply to the Congress of
43 the United States for its consent and approval of this Compact, if it is

1 determined by the Commission that such consent is appropriate. In the
2 absence of the consent of the Congress and until consent is secured, if
3 that consent is determined appropriate, this Compact is binding upon the
4 states of Missouri and Kansas in all respects permitted by law of the two
5 states.

6 Q. The Commission shall have the power to perform all other nec-
7 essary and incidental functions and duties and to exercise all other nec-
8 essary and appropriate powers, not inconsistent with other provisions of
9 this Compact or the constitution or laws of the United States or of either
10 of the states of Kansas or Missouri, that it deems appropriate to effectuate
11 the purposes for which this District and the Commission are created.

12 VII. BALLOT QUESTIONS

13 A. The Commission, as required by Article VI, Section C, shall de-
14 velop Program Plans for Regional Programs to be submitted to the qual-
15 ified electors within the District. Each Program Plan developed by the
16 Commission shall be available to the public no later than 120 days before
17 the date or dates set by the Commission for submission of a ballot ques-
18 tion to the electors in the District.

19 B. The governing body of each county in the District shall determine
20 whether the provision of financial support for each Regional Program is
21 in the best interests of the citizens of the county and whether the levy of
22 a sales tax to provide, on a cooperative basis with another county or coun-
23 ties, for financial support of that Regional Program would be economically
24 practicable and cost beneficial to the citizens of the county and the dis-
25 trict. Each governing body that makes an affirmative determination with
26 respect hereto shall adopt a resolution evidencing that determination and
27 authorizing a vote of its citizens on the ballot question for that Regional
28 Program by a $\frac{2}{3}$ majority vote of the members-elect of the governing
29 body.

30 C. Upon adoption of a resolution pursuant to Section B of this Article,
31 the governing body of that county, promptly after adoption of the reso-
32 lution, shall request the county election commissioner to submit the ballot
33 question for that Regional Program to the qualified electors of that
34 county. Each such ballot question shall be printed on the ballot and in
35 the notice of the election. Each ballot question shall be submitted to the
36 qualified electors of that County at the primary or general election next
37 following the date the request was filed with the county election officer.

38 D. The ballot for the proposition in each county shall be in substan-
39 tially the following form:

40 Shall a sales tax _____ (insert amount, not to exceed $\frac{1}{2}$ cent) be levied
41 and collected in _____ County for the Support of Regional Programs
42 that will produce significant benefit within the Kansas and Missouri Re-
43 gional Investment District

1 ()YES ()NO

2 E. The governing body of each of the counties that requested their
3 county election commissioner submit the ballot question to its qualified
4 electors also shall provide their respective county election officers with
5 copies of the additional language prepared by the Commission, pursuant
6 to Article VI, Section F, which additional language shall be included by
7 each such county on the ballot.

8 F. The question of whether a sales tax for the support of a Regional
9 Program involving a Public Transit System shall be imposed shall be sub-
10 mitted to qualified electors at the first election to be held on Regional
11 Programs, pursuant to this Compact.

12 G. The governing body of any county in the District that does not
13 pass the resolution contemplated by Section B of this Article in time to
14 cause the placement of the ballot question before the qualified electors
15 of that county at the first election or any subsequent election to be held
16 on Regional Programs, pursuant to this Compact, may adopt that reso-
17 lution at any time thereafter, and that ballot question shall be provided
18 to the election commissioner of that county and submitted to the qualified
19 electors of the county at the next primary or general election, in accord-
20 ance with Section C of this Article.

21 H. In each county where a majority of the qualified electors voting
22 in an election shall cast an affirmative vote on this question, the ballot
23 question shall be approved.

24 I. If a ballot question is submitted to the qualified electors of a county
25 in the District and the ballot question is not approved in that county,
26 following defeat of the ballot question, the governing body of that county
27 or counties may renew procedures to levy the sales tax in support of that
28 Regional Program. A defeat of a ballot question in any county shall not
29 affect the approval of that ballot question in any other county, which
30 approval shall continue to have effect.

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

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

1 L. When, but only when, the electors in all of the counties designated
2 by the Commission in the Program Plan for the subject Regional Pro-
3 gram, as those that must approve the sales tax, have approved this ballot
4 question, the governing body of each such county, at the first available
5 opportunity, shall take all required actions to begin levying this tax.

6 M. Any of the counties that have elected by a vote of its electors to
7 levy a sales tax authorized by this section may cease to levy this sales tax
8 upon the majority vote of the qualified electors of the county on a ballot
9 question submitted to qualified electors asking if that county should cease
10 to levy this sales tax. This vote shall take place in the same manner pro-
11 vided in this section for levying this sales tax; provided that, no vote to
12 cease to levy this sales tax shall take place in any county on a date earlier
13 than a date that is five years from the date that county approved this sales
14 tax. Provided further, in no event shall any county cease to levy this sales
15 tax until that county has entered into a written agreement with the Com-
16 mission, which agreement shall provide for the terms of cessation, and
17 shall specifically provide: (1) A means to ensure that the county pays a
18 fair share of the outstanding obligations incurred by the District in fur-
19 furtherance of its established purposes; and (2) for the ongoing operations
20 and maintenance or the termination of any facilities or services estab-
21 lished in the county with support provided by the Commission. The gov-
22 erning body of a county that has decided by this vote to cease to levy this
23 sales tax shall send formal written notice thereof to each of the other
24 counties comprising the District. In no event shall the county cease to
25 levy the sales tax earlier than 90 days after this notice has been sent. If
26 any county in the District decides to cease levying the sales tax, the status
27 of the District as a political subdivision of the states of Kansas and Mis-
28 souri shall be unaltered and that county shall continue to have the rep-
29 resentation on the Commission, as set forth in Article V of this Compact.

30 VIII. ELIGIBLE USES OF FUNDS

31 A. The Commission shall only budget and authorize the appropriation
32 of moneys for the following eligible purposes:

33 1. The actual and reasonably necessary expenses of the Commission
34 and Oversight Committee, including, but not limited to, staff personnel,
35 auditors, budget and financial consultation, legal assistance, administra-
36 tive, operational, planning and engineering consultation, and marketing,
37 as well as for the actual and reasonably necessary expenses of individual
38 Commission and Committee members that are incurred in the perform-
39 ance of their official duties; provided that, the Commission, in each fiscal
40 year, shall not appropriate, for this purpose, any moneys in excess of an
41 amount that is equal to 1% of the funds appropriated to the Commission
42 in that fiscal year by all of the counties imposing this sales tax; and

43 2. the support of voter approved Regional Programs within the Dis-

1 trict; and

2 3. if in support of a Public Transit System, only pursuant to a contract
3 with bodies corporate and politic, political subdivisions of the states of
4 Missouri or Kansas, or both, or local units of government in the states of
5 Missouri or Kansas, provided, however, the Commission may, in its dis-
6 cretion, require that entities contracted with shall procure a set percent-
7 age of Public Transit System services from third party contractors on a
8 competitive basis; and

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

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

14 C. A minimum of 80% of the moneys derived from a sales tax im-
15 posed in support of Regional Programs as authorized by this Compact,
16 and which is collected and is credited to the Regional Investment Fund,
17 shall be used to support a Public Transit System in the District.

18 IX. THE OVERSIGHT COMMITTEE

19 A. An Oversight Committee shall be appointed by the Commission
20 for each Regional Program, as provided for in Article VI, Section G,
21 hereof. Each Committee shall be composed of elected officials of juris-
22 dictions that are within a county where a majority of the qualified electors
23 voting on the ballot question have cast an affirmative vote on the im-
24 position of a sales tax to support the subject Regional Program. Each Over-
25 sight Committee shall be composed of the elected officials designated in
26 the Program Plan for that Regional Program. Each Oversight Committee
27 shall include a minimum of one elected representative from each county
28 that approves that ballot question and elected representatives from both
29 cities and counties. If the Program Plan describes a Regional Program
30 that serves both Missouri and Kansas, the Oversight Committee shall be
31 composed of an equal number of elected representatives from each state.
32 In such instance, no action of the Oversight Committee shall be binding
33 unless taken at a meeting at which at least a quorum is present, and unless
34 a majority of the Commissioners from each state, present at the meeting,
35 shall vote in favor thereof. The number of individuals comprising the
36 Oversight Committee shall be in the sole discretion of the Commission.

37 B. Each Oversight Committee shall be appointed within 45 days of
38 certification that the ballot question has been approved by the last of the
39 counties designated by the Commission in the Program Plan for the sub-
40 ject Regional Plan, pursuant to Article VI, Section C, 1 hereof, to so
41 certify and shall begin functioning immediately upon its appointment by
42 the Commission. If, pursuant to Article VII, Section K, additional coun-
43 ties within the District shall approve the ballot question, the Commission

1 shall appoint a minimum of one additional representative from each such
2 county to the Oversight Committee.

3 C. Each appointed Oversight Committee shall fix the time and place
4 at which its meetings shall be held. Meetings shall be held at a location
5 in a county that has approved the imposition of the sales tax to support
6 the Program Plan for the subject Regional Program and shall be open to
7 the public. Public notice shall be given of all meetings of the Committee.

8 D. The Committee members shall each be subject to the provisions
9 of the laws of either the state of Kansas or the state of Missouri, depending
10 upon the Committee member's state of residence, that relate to conflicts
11 of interest of public officers and employees. If any Committee member
12 has a direct or indirect financial interest in any facility, service provider,
13 organization or activity supported by the District or Commission or in
14 any other business transaction of the District or Commission, the Com-
15 mittee member shall disclose that interest in writing to the members of
16 the Commission and to the other members of the Committee and shall
17 abstain from voting on any matter in relation to that facility, organization
18 or activity or to that business transaction with respect to which that Com-
19 mittee member has the interest.

20 E. If any action at law or equity, or other legal proceeding, shall be
21 brought against any Committee member for any act or omission arising
22 out of the performance of duties as a Committee member, the Committee
23 member shall be indemnified in whole and held harmless by the Com-
24 mission for any judgment or decree entered against the Committee mem-
25 ber and, further, shall be defended at the cost and expense of the Com-
26 mission in any resulting proceeding.

27 F. The Oversight Committee for each Program Plan shall terminate
28 on the date when all of the moneys derived from the sales tax imposed
29 by any or all counties in the District to support the Program Plan for that
30 Regional Program and which have been credited to the Regional Invest-
31 ment Fund have been expended.

32 X. POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE

33 A. The Oversight Committee for each approved Regional Program is
34 charged with the oversight of the appropriation and use of moneys gen-
35 erated from the sales taxes and credited to the Regional Investment Fund.
36 These moneys shall be appropriated only for the Eligible Uses set forth
37 in Article VIII of this Compact.

38 B. Each Oversight Committee shall only provide support for and al-
39 locate and appropriate moneys for programs, services and facilities that
40 are consistent with the voter approved Program Plan developed by the
41 Commission and only for programs, services and facilities in counties that
42 have approved the imposition of a sales tax in support of that Regional
43 Program. If the Committee is uncertain or has any question about

1 whether a specific appropriation of moneys or support activity is consis-
2 tent with the Program Plan developed by the Commission, it shall seek
3 a determination on that question from the Commission.

4 C. Each Oversight Committee, as appropriate, shall request that the
5 Commission execute those contracts and agreements necessary or desir-
6 able to implement the Program Plan developed by the Commission.

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

9 E. Each Oversight Committee shall provide the information that the
10 Commission shall require to allow the Commission to prepare annually a
11 report on the operations and transactions conducted by the Commission
12 during the preceding year relating to the approved Regional Programs.
13 This information shall include an annual financial statement prepared in
14 accordance with General Accepted Accounting Principles (GAAP). The
15 Oversight Committee for a Public Transit Service Regional Program shall
16 also provide a report on operational statistics, including statistics on the
17 ridership of the Public Transit System funded with sales tax revenues
18 resulting from the authority granted by this Compact, comparing rider-
19 ship in the then current fiscal year to ridership in the three fiscal years
20 next preceding.

21 XI. FINANCE

22 A. The moneys necessary to finance the operation of the District,
23 implement the voter-approved Program Plans and execute the powers,
24 duties and responsibilities of the Commission shall be appropriated to the
25 Commission by the counties comprising the District, which, in accord-
26 ance with Article VII, Section H, of the Compact, have approved the
27 ballot question for the subject Regional Program. The moneys to be ap-
28 propriated to the Commission shall be raised by the governing bodies of
29 the respective counties by the levy of taxes, fees, charges or any other
30 revenue, as authorized by the legislatures of the respective party states.

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

38 C. The Commission and each Oversight Committee shall keep ac-
39 curate accounts of all receipts and disbursements. The receipts and dis-
40 bursements of the Commission shall be audited yearly by a certified or
41 licensed public accountant and the report of the audit shall be included
42 in and become a part of the annual report of the Commission.

43 D. The accounts of the Commission shall be open at any reasonable

1 time for inspection by duly authorized representatives of the compacting
2 states, the counties comprising the District, and other persons authorized
3 by the Commission.

4 XII. ENTRY INTO FORCE

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

8 B. Amendments to the Compact shall become effective upon enact-
9 ment by the legislatures of the respective states.

10 XIII. TERMINATION

11 A. The Compact shall continue in force and remain binding upon a
12 party state until its legislature shall have enacted a statute repealing the
13 same and providing for the sending of formal written notice of enactment
14 of that statute to the legislature of the other party state. Upon enactment
15 of that statute by the legislature of either party state, the sending of notice
16 thereof to the other party and payment of any obligations that the Com-
17 mission may have incurred prior to the effective date of that statute, the
18 agreement of the party states embodied in the Compact shall be deemed
19 fully executed, the Compact shall be null and void and of no further force
20 or effect, the District shall be dissolved, and the Commission shall be
21 abolished. If any moneys remain in the Regional Investment Fund upon
22 dissolution of this Compact, the Commission may distribute these moneys
23 to an entity or organization selected by the Commission to be used to
24 support purposes for which the District is hereby created, as stated in
25 Article II of this Compact.

26 XIV. CONSTRUCTION AND SEVERABILITY

27 A. The provisions of this Compact shall be liberally construed and
28 shall be severable. If any phrase, clause, sentence or provision of this
29 Compact is declared to be contrary to the constitutions of either of the
30 party states or of the United States or the applicability thereof to any
31 government, agency, person or circumstance is held invalid, the validity
32 of the remainder of this Compact and the applicability thereof to any
33 government, agency, person or circumstance shall not be affected
34 thereby. If this Compact shall be held contrary to the constitution of
35 either party state hereto, the Compact shall thereby be nullified and
36 voided and of no further force or effect.

37 Sec. 2. The provisions of the Kansas tort claims act, K.S.A. 75-6101
38 et seq., and amendments thereto, shall apply to the district and to the
39 Kansas members of the commission created and appointed pursuant to
40 the Kansas and Missouri regional investment district compact, Section 1.

41 Sec. 3. Kansas members of the commission appointed pursuant to
42 the Kansas and Missouri regional investment district compact, section 1,
43 shall be reimbursed for actual and necessary expenses incurred in the

1 performance of their official duties as provided for in subsection (e) of
2 K.S.A. 75-3223, and amendments thereto.

3 Sec. 4. (a) The board of county commissioners of any county that has
4 been authorized by a majority of the electors of the county to levy and
5 collect a tax for the purpose of contributing to the financial support of
6 the district shall adopt a resolution imposing a countywide retailers' sales
7 tax and in addition to and notwithstanding any limitations on the aggregate
8 amount of the retailers' sales tax contained in K.S.A. 12-187 through
9 12-192, and amendments thereto, shall impose such a countywide retail-
10 ers' sales tax on the selling of tangible personal property at retail or ven-
11 doring or furnishing services pursuant to the provisions of the Kansas
12 retailers' sales tax act, and amendments thereto, within the county for
13 such purpose in an aggregate amount not to exceed .5%. The sales tax
14 authorized by this section shall be administered, enforced, collected and
15 subject to the provisions of K.S.A. 12-187 through 12-192, and amend-
16 ments thereto. Upon receipt of a certified copy of a resolution authorizing
17 the levy of a countywide retailers' sales tax pursuant to this section, the
18 state director of taxation shall cause this tax to be collected within and
19 outside the boundaries of this county at the same time and in the same
20 manner provided for the collection of the state retailers' sales tax. All
21 moneys collected and remitted by the secretary of revenue to the state
22 treasurer in accordance with the provisions of K.S.A. 75-4215, and
23 amendments thereto. Upon receipt of each such remittance, the state
24 treasurer shall deposit the entire amount of such moneys collected under
25 the provisions of this section in the state treasury to the credit of the
26 regional investment district retailers' sales tax fund which fund is hereby
27 established in the state treasury. Any refund due on any countywide re-
28 tailers' sales tax collected pursuant to this section shall be paid out of the
29 regional investment district retailers' sales tax refund fund, which is
30 hereby established in the state treasury, and reimbursed by the director
31 of taxation from retailers' sales tax revenue collected pursuant to this
32 section. All moneys in the regional investment district retailers' sales tax
33 fund shall be remitted at least quarterly by the state treasurer, on instruc-
34 tion from the director of taxation, to the treasurer of such county.

35 (b) All revenue received by any county treasurer from a countywide
36 retailers' sales tax imposed pursuant to this section, for the purposes of
37 subsection (a)(1)(F) of K.S.A. 12-1774, and amendments thereto, shall be
38 deemed committed to other use by election of voters and shall not be
39 pledged for a redevelopment project or credited, allocated or paid by a
40 county treasurer to the treasurer of any city or county for deposit in a
41 special fund of the city to pay redevelopment project costs authorized by
42 K.S.A. 12-1770 et seq., and amendments thereto.

43 (c) All revenue received by any county treasurer from a countywide

1 retailers' sales tax imposed pursuant to this section shall be appropriated
2 by the county to the commission within 60 days of receipt of the funds
3 by the county for expenditure by the commission pursuant to and in
4 accordance with the provisions of the Kansas and Missouri regional in-
5 vestment district compact. If any of this revenue remains upon nullifi-
6 cation and voidance of the Kansas and regional investment district com-
7 pact, the county treasurer shall deposit such revenue to the credit of the
8 general fund of the county.

9 (d) Any countywide retailers' sales tax imposed pursuant to this sec-
10 tion shall expire upon the date determined in accordance with the pro-
11 gram plan for the regional program that is the subject of the ballot ques-
12 tion approved by the qualified electors of such county for that subject
13 regional program, except that, no sales tax shall be levied for a period of
14 more than 15 years from the date of the first receipt by the county trea-
15 surer of revenue from that sales tax unless renewed by the qualified elec-
16 tors of that county prior to its expiration, or as determined by the last
17 ballot question or renewal approved by such electors or on the date of
18 actual withdrawal of the county from the district or upon compliance by
19 the county with the provisions of article IV, section J, or at any time the
20 Kansas and Missouri regional investment district compact becomes null
21 and void and of no further force or effect. If any moneys remain in the
22 regional investment district retailers' sales tax fund upon nullification and
23 voidance of the Kansas and Missouri regional investment district compact,
24 the state treasurer shall transfer such moneys to the county and city re-
25 tailers' sales tax fund to be apportioned and remitted at the same time
26 and in the same manner as other countywide retailers' sales tax revenues
27 are apportioned and remitted.

28 Sec. 5. The provisions of this act shall expire upon nullification and
29 voidance of the Kansas and Missouri regional investment district compact,
30 section 1, pursuant to article X of the compact.

31 Sec. 6. This act shall take effect and be in force from and after its
32 publication in the statute book.