

## 2012 Kansas Statutes

**12-2514. Mo-Kan metropolitan development district and agency compact; commissioners.** The governor shall appoint, subject to confirmation by the senate as provided in K.S.A. 75-4315b, three commissioners to enter into a compact on behalf of the state of Kansas with the state of Missouri. Any two of the commissioners so appointed, together with the attorney general of the state of Kansas, may act to enter into the following compact:

COMPACT BETWEEN MISSOURI AND KANSAS CREATING THE MO-KAN METROPOLITAN DEVELOPMENT DISTRICT AND THE MO-KAN DEVELOPMENT AGENCY.

The states of Missouri and Kansas solemnly agree:

### ARTICLE I

THEY AGREE TO AND PLEDGE, EACH TO THE OTHER, FAITHFUL COOPERATION IN THE FUTURE PLANNING AND DEVELOPMENT OF THE MO-KAN METROPOLITAN DEVELOPMENT DISTRICT, HOLDING IN HIGH TRUST FOR THE BENEFIT OF ITS PEOPLE AND OF THE NATION, THE SPECIAL BLESSINGS AND NATURAL ADVANTAGES THEREOF.

### ARTICLE II

THERE IS CREATED A DISTRICT TO BE KNOWN AS THE "MISSOURI-KANSAS METROPOLITAN DEVELOPMENT DISTRICT" (HEREINAFTER REFERRED TO AS "THE DISTRICT") WHICH IS COMPOSED OF THE COUNTIES OF JACKSON, CASS, CLAY AND PLATTE IN MISSOURI AND THE COUNTIES OF JOHNSON, LEAVENWORTH AND WYANDOTTE IN KANSAS.

### ARTICLE III

THERE IS CREATED "THE MO-KAN DEVELOPMENT AGENCY OF THE MISSOURI-KANSAS METROPOLITAN DEVELOPMENT DISTRICT" (HEREINAFTER REFERRED TO AS "THE MO-KAN AGENCY") WHICH IS BODY CORPORATE AND POLITIC AND WHICH HAS THE FOLLOWING POWERS:

(1) TO ACQUIRE BY GIFT, PURCHASE OR LEASE, AND TO PLAN, CONSTRUCT, OPERATE AND MAINTAIN, OR LEASE TO OTHERS FOR OPERATION AND MAINTENANCE, BRIDGES, TUNNELS, AIRPORTS, WHARVES, DOCKS, HARBORS, SEWAGE DISPOSAL PLANTS, PASSENGER TRANSPORTATION SYSTEMS AND FACILITIES, AND AIR, WATER, RAIL, MOTOR VEHICLE AND OTHER TERMINAL FACILITIES.

(2) TO MAKE PLANS FOR SUBMISSION TO THE COMMUNITIES INVOLVED FOR THE COORDINATION OF STREETS, HIGHWAYS, PARKWAYS, PARKING AREAS, TERMINALS, WATER SUPPLY, SEWAGE AND GARBAGE AND SEWAGE DISPOSAL WORKS, EDUCATIONAL, HEALTH AND WELFARE, RECREATIONAL AND CONSERVATION PROJECTS, LAND USE PATTERN AND OTHER MATTERS IN WHICH JOINT OR COORDINATE ACTION OF THE COMMUNITIES IN THE AREA IS DEEMED GENERALLY BENEFICIAL; AND TO CONTRACT WITH MUNICIPALITIES OR OTHER POLITICAL SUBDIVISIONS FOR THE SERVICES OR USE OF ANY FACILITY OWNED OR OPERATED BY THE MO-KAN AGENCY, OR OWNED OR OPERATED BY ANY SUCH MUNICIPALITY OR OTHER POLITICAL SUBDIVISION.

(3) TO CHARGE AND COLLECT FEES FOR THE USE OF FACILITIES OWNED AND OPERATED BY IT.

(4) TO ISSUE NEGOTIABLE REFUNDING NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING FOR THE PURPOSE OF REFUNDING, EXTENDING OR UNIFYING THE WHOLE OR ANY PART OF ITS VALID INDEBTEDNESS FROM TIME TO TIME OUTSTANDING, WHETHER EVIDENCED BY NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING SHALL NOT EXCEED IN AMOUNT THE PRINCIPAL OF THE OUTSTANDING INDEBTEDNESS TO BE REFUNDED AND THE ACCRUED INTEREST THEREON TO THE DATE OF SUCH REFUNDING.

(5) TO RECEIVE FOR ITS LAWFUL ACTIVITIES CONTRIBUTIONS OR MONEYS APPROPRIATED BY COUNTIES OR MUNICIPALITIES, OR BY THE FEDERAL GOVERNMENT OR ANY AGENCY OR OFFICER THEREOF.

(6) TO RECEIVE FOR ITS LAWFUL ACTIVITIES GIFTS OR MONEYS CONTRIBUTED BY CHARTERED CHARITABLE CORPORATIONS OR FOUNDATIONS.

(7) TO DISBURSE FUNDS FOR ITS LAWFUL ACTIVITIES AND, WITHIN THE LIMITS SET FORTH BY THE LEGISLATURES OF MISSOURI AND KANSAS, FIX THE COMPENSATION OF ITS OFFICERS AND EMPLOYEES.

(8) TO CONTRACT WITH ANY COUNTY, CITY, TOWN, VILLAGE OR TOWNSHIP WITH RESPECT TO ANY OF THE POWERS HEREIN GRANTED.

(9) TO PERFORM ALL OTHER NECESSARY AND INCIDENTAL FUNCTIONS.

(10) TO EXERCISE SUCH ADDITIONAL POWERS AS MAY BE CONFERRED ON IT BY THE LEGISLATURE OF EITHER STATE CONCURRED IN BY THE LEGISLATURE OF THE OTHER.

(11) TO BORROW MONEY FOR THE ACQUISITION, PLANNING, CONSTRUCTION, EQUIPPING, OPERATION, MAINTENANCE, REPAIR, EXTENSION AND IMPROVEMENT OF ANY FACILITY WHICH IT HAS THE POWER TO OWN OR TO OPERATE, AND TO ISSUE THE NEGOTIABLE NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING OF THE MO-KAN AGENCY IN EVIDENCE OF THE SUM OR SUMS TO BE BORROWED.

(12) TO PROVIDE THAT ALL NEGOTIABLE NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING ISSUED EITHER PURSUANT TO SUBDIVISION (4) OR (11) OF THIS ARTICLE SHALL BE PAYABLE, BOTH AS TO PRINCIPAL AND INTEREST, OUT OF THE REVENUES COLLECTED FOR THE USE OF THE SPECIFIC FACILITY OWNED OR OPERATED BY THE MO-KAN AGENCY FOR WHICH THE NEGOTIABLE NOTES, BONDS OR OTHER INSTRUMENTS WERE ISSUED, OR OUT OF ANY OTHER RESOURCES OF THE MO-KAN AGENCY, AND MAY BE FURTHER SECURED BY A MORTGAGE OR DEED OF TRUST UPON ANY PROPERTY OWNED BY THE MO-KAN AGENCY. ALL NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING ISSUED BY THE MO-KAN AGENCY AS HEREIN PROVIDED SHALL MATURE IN NOT TO EXCEED 40 YEARS FROM THE DATE THEREOF, SHALL BEAR INTEREST AT A RATE NOT EXCEEDING THE MAXIMUM RATE OF INTEREST PRESCRIBED BY K.S.A. 10-1009, AND SHALL BE SOLD FOR NOT LESS THAN 95% OF THE PAR VALUE THEREOF. THE MO-KAN AGENCY SHALL HAVE THE POWER TO PRESCRIBE THE DETAILS ON SUCH NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING, AND OF THE ISSUANCE AND SALE THEREOF, AND SHALL HAVE POWER TO ENTER INTO COVENANTS WITH THE HOLDERS OF SUCH NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING, NOT INCONSISTENT WITH THE POWERS HEREIN GRANTED TO THE MO-KAN AGENCY, WITHOUT FURTHER LEGISLATIVE AUTHORITY.

(13) TO CONDEMN ANY AND ALL RIGHTS OR PROPERTY, OF ANY KIND OR CHARACTER, NECESSARY FOR THE PURPOSES OF THE MO-KAN AGENCY, SUBJECT TO THE PROVISIONS OF THIS COMPACT. IF THE PROPERTY TO BE CONDEMNED BE SITUATED IN THE STATE OF KANSAS, THE AGENCY SHALL FOLLOW THE PROCEDURE OF THE ACT OF THE STATE OF KANSAS PROVIDING FOR THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN, AND IF THE PROPERTY TO BE CONDEMNED BE SITUATED IN THE STATE OF MISSOURI, THE AGENCY SHALL FOLLOW THE PROCEDURE PROVIDED BY THE LAWS OF THE STATE OF MISSOURI FOR THE APPROPRIATION OF LAND OR OTHER PROPERTY TAKEN FOR TELEGRAPH, TELEPHONE OR RAILROAD RIGHT-OF-WAYS.

(14) TO CONTRACT AND TO BE CONTRACTED WITH, AND TO SUE AND TO BE SUED IN CONTRACT.

### ARTICLE IV

NO PROPERTY NOW OR HEREAFTER VESTED IN OR HELD BY EITHER STATE, OR BY ANY COUNTY, MUNICIPALITY OR OTHER POLITICAL SUBDIVISION THEREOF SHALL BE TAKEN OR USED BY THE MO-KAN AGENCY WITHOUT THE AUTHORITY OR CONSENT OF THE STATE OR POLITICAL SUBDIVISION AFFECTED, AND NOTHING HEREIN IMPAIRS OR INVALIDATES ANY BONDED INDEBTEDNESS OF A STATE OR POLITICAL SUBDIVISION OR IMPAIRS ANY PROVISIONS OF LAW REGULATING THE PAYMENT OF REVENUES DERIVED FROM MUNICIPAL PROPERTIES INTO SINKING FUNDS OR THE DEDICATION OF REVENUES DERIVED FROM MUNICIPAL PROPERTY TO A SPECIFIC PURPOSE.

### ARTICLE V

UNLESS OTHERWISE PROVIDED, THE MO-KAN AGENCY SHALL MAKE AN ANNUAL REPORT TO THE GOVERNOR OF EACH STATE SETTING FORTH IN DETAIL THE OPERATIONS AND TRANSACTIONS CONDUCTED BY IT PURSUANT TO THIS AGREEMENT AND ANY LEGISLATION ENACTED THEREUNDER.

### ARTICLE VI

Nothing in this compact impairs the power of any municipality to improve terminal or other facilities.

### ARTICLE VII

THE MO-KAN AGENCY SHALL FROM TIME TO TIME MAKE PLANS FOR THE DEVELOPMENT OF THE DISTRICT. WHEN SUCH PLANS ARE APPROVED BY THE LEGISLATURES OF THE TWO CONTRACTING STATES, THESE PLANS SHALL BE BINDING UPON BOTH STATES WITH THE SAME FORCE AND EFFECT AS PROVISIONS INCORPORATED IN THIS COMPACT.

### ARTICLE VIII

THE MO-KAN AGENCY MAY PETITION ANY INTERSTATE COMMERCE COMMISSION (OR LIKE BODY), ANY PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION (OR LIKE BODY) OR ANY OTHER FEDERAL, STATE, MUNICIPAL, OR LOCAL AUTHORITY, ADMINISTRATIVE, JUDICIAL OR LEGISLATIVE, HAVING JURISDICTION IN THE PREMISES, FOR THE ADOPTION AND EXECUTION OF ANY PHYSICAL IMPROVEMENTS, CHANGES IN METHOD, RATES OF TRANSPORTATION, SYSTEMS OF HANDLING FREIGHT, WAREHOUSING, DOCKING, LIGHTERING OR TRANSFER OF FREIGHT WHICH, IN THE OPINION OF THE MO-KAN AGENCY, MAY BE DESIGNED TO IMPROVE THE TRANSACTION OF COMMERCE IN AND THROUGH THE DISTRICT OR IMPROVE TERMINAL AND TRANSPORTATION FACILITIES THEREIN. IT MAY INTERVENE IN ANY PROCEEDING AFFECTING THE COMMERCE OF THE DISTRICT.

### ARTICLE IX

THE MO-KAN AGENCY SHALL CONSIST OF 10 COMMISSIONERS, FIVE OF WHOM SHALL BE RESIDENT VOTERS OF THE STATE OF MISSOURI AND FIVE OF WHOM SHALL BE RESIDENT VOTERS OF THE STATE OF KANSAS. ALL COMMISSIONERS SHALL RESIDE WITHIN THE MO-KAN DISTRICT. THE MISSOURI MEMBERS SHALL BE CHOSEN BY THE STATE OF MISSOURI AND THE KANSAS MEMBERS BY THE STATE OF KANSAS IN THE MANNER AND FOR THE TERMS FIXED BY THE LEGISLATURE OF EACH STATE EXCEPT AS HEREIN PROVIDED.

### ARTICLE X

1. THE MO-KAN AGENCY SHALL ELECT FROM ITS NUMBER A CHAIRPERSON AND A VICE-CHAIRPERSON AND MAY APPOINT SUCH OTHER OFFICERS AS IT MAY REQUIRE FOR THE PERFORMANCE OF ITS DUTIES AND FIX AND DETERMINE THEIR QUALIFICATIONS AND DUTIES.

2. UNLESS OTHERWISE DETERMINED BY THE LEGISLATURES OF THE TWO STATES, NO ACTION OF THE MO-KAN AGENCY SHALL BE BINDING UNLESS TAKEN

AT A MEETING AT WHICH AT LEAST THREE MEMBERS FROM EACH STATE ARE PRESENT, AND UNLESS A MAJORITY OF THE COMMISSIONERS SHALL VOTE IN FAVOR THEREOF. EACH STATE RESERVES THE RIGHT TO PROVIDE BY LAW FOR THE EXERCISE OF THE VETO BY ITS GOVERNOR OVER ANY ACTION OF ANY OF ITS COMMISSIONERS.

3. UNLESS OTHERWISE DETERMINED BY THE ACTION OF THE LEGISLATURES OF THE TWO STATES, THE MO-KAN AGENCY SHALL NOT INCUR OBLIGATIONS FOR SALARIES, OFFICE OR OTHER ADMINISTRATIVE EXPENSES UNTIL APPROPRIATIONS ADEQUATE TO MEET SUCH OBLIGATIONS HAVE BEEN MADE.

4. THE MO-KAN AGENCY IS AUTHORIZED TO MAKE SUITABLE RULES AND REGULATIONS NOT INCONSISTENT WITH THE CONSTITUTION OR LAWS OF THE UNITED STATES OR OF EITHER OF THE CONTRACTING STATES, OR OF ANY POLITICAL SUBDIVISION THEREOF, AND SUBJECT TO THE EXERCISE OF THE POWERS OF CONGRESS, FOR THE IMPROVEMENT OF THE DISTRICT, WHICH WHEN CONCURRED IN OR AUTHORIZED BY THE LEGISLATURES OF BOTH STATES, SHALL BE BINDING AND EFFECTIVE UPON ALL PERSONS AND CORPORATIONS AFFECTED.

5. THE TWO CONTRACTING STATES SHALL PROVIDE PENALTIES FOR VIOLATIONS OF ANY ORDER OR RULES AND REGULATIONS OF THE MO-KAN AGENCY AND SHALL PROVIDE FOR THE MANNER OF ENFORCING THE SAME.

#### ARTICLE XI

1. THE MO-KAN AGENCY IS AUTHORIZED AND DIRECTED TO PROCEED WITH THE DEVELOPMENT OF THE DISTRICT IN ACCORDANCE WITH THE ARTICLES OF THIS COMPACT AS RAPIDLY AS MAY BE ECONOMICALLY PRACTICABLE AND IS VESTED WITH ALL NECESSARY AND APPROPRIATE POWERS NOT INCONSISTENT WITH THE CONSTITUTION OR THE LAWS OF THE UNITED STATES OR OF EITHER STATE TO EFFECTUATE THE SAME, EXCEPT THE POWER TO LEVY ASSESSMENTS OR TAXES.

2. THE MO-KAN AGENCY SHALL RENDER SUCH ADVICE, SUGGESTIONS AND ASSISTANCE TO ALL MUNICIPAL OFFICIALS AS WILL PERMIT ALL LOCAL AND MUNICIPAL IMPROVEMENTS, SO FAR AS PRACTICABLE, TO BE INTEGRATED WITH THE PLANS FOR THE DEVELOPMENT OF THE DISTRICT.

#### ARTICLE XII

ALL PROPERTY, REAL AND PERSONAL, OWNED OR HELD BY THE MO-KAN AGENCY, AND ALL INTEREST INCOME DERIVED FROM ANY NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING ISSUED BY THE MO-KAN AGENCY, SHALL POSSESS THE SAME STATUS, WITH RESPECT TO TAXATION IN THE STATE OF ITS SITUS, AS IS NOW OR MAY HEREAFTER BE POSSESSED BY PROPERTY, REAL AND PERSONAL, OWNED OR HELD BY CITIES WITHIN THE STATE OF SITUS AND BY THE INTEREST INCOME DERIVED FROM NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING ISSUED BY SUCH CITIES.

#### ARTICLE XIII

ANY NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING ISSUED BY THE MO-KAN AGENCY PURSUANT TO THE PROVISIONS OF THIS COMPACT ARE HEREBY RECOGNIZED TO BE SECURITIES IN WHICH ALL STATE AND MUNICIPAL OFFICERS AND BODIES, ALL BANKS, BANKERS, TRUST COMPANIES, SAVINGS BANKS, SAVINGS ASSOCIATIONS, BUILDING AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES, AND ALL OTHER PERSONS CARRYING ON A BANKING BUSINESS, ALL INSURANCE COMPANIES, INSURANCE ASSOCIATIONS, AND OTHER PERSONS CARRYING ON AN INSURANCE BUSINESS, AND ALL ADMINISTRATORS, EXECUTORS, GUARDIANS, TRUSTEES AND OTHER FIDUCIARIES AND ALL OTHER PERSONS WHATSOEVER WHO ARE NOW OR WHO MAY HEREAFTER BE AUTHORIZED TO INVEST IN BONDS OR OTHER OBLIGATIONS OF THE STATE OF KANSAS MAY PROPERLY AND LEGALLY INVEST ANY FUNDS, INCLUDING CAPITAL, BELONGING TO THEM, OR WITHIN THEIR CONTROL; AND THE SAID OBLIGATIONS ARE HEREBY RECOGNIZED AS SECURITIES WHICH MAY PROPERLY AND LEGALLY BE DEPOSITED WITH AND SHALL BE RECEIVED BY ANY STATE OR MUNICIPAL OFFICER OR AGENCY FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF BONDS OR OTHER OBLIGATIONS OF THIS STATE IS NOW OR MAY HEREAFTER BE AUTHORIZED.

#### ARTICLE XIV

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS UNDER THE AUTHORITY VESTED IN US BY LAW.

IN THE PRESENCE OF:

(Signed)

**History:** L. 1957, ch. 198 § 1; L. 1965, ch. 112, §1; L. 1970, ch. 64, § 18; L. 1978, ch. 99, § 12; L. 1982, ch. 347, § 3; July 1.