

2012 Kansas Statutes

12-2524. Kansas City area transportation district and authority 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 KANSAS AND MISSOURI CREATING THE KANSAS CITY AREA TRANSPORTATION DISTRICT AND THE KANSAS CITY AREA TRANSPORTATION AUTHORITY.

The states of Kansas and Missouri solemnly agree:

ARTICLE I

THEY AGREE TO AND PLEDGE, EACH TO THE OTHER, FAITHFUL COOPERATION IN THE FUTURE PLANNING AND DEVELOPMENT OF THE KANSAS CITY AREA TRANSPORTATION DISTRICT, HOLDING IN HIGH TRUST FOR THE BENEFIT OF ITS PEOPLE AND OF THE NATION THE SPECIAL BLESSINGS AND NATURAL ADVANTAGES THEREOF.

ARTICLE II

TO THAT END, THE TWO STATES CREATE A DISTRICT TO BE KNOWN AS THE KANSAS CITY AREA TRANSPORTATION DISTRICT (HEREINAFTER REFERRED TO AS "THE DISTRICT"), WHICH SHALL EMBRACE THE FOLLOWING TERRITORY: THE COUNTIES OF CASS, CLAY, JACKSON AND PLATTE IN MISSOURI, AND THE COUNTIES OF JOHNSON, LEAVENWORTH AND WYANDOTTE IN KANSAS.

ARTICLE III

THERE IS CREATED THE KANSAS CITY AREA TRANSPORTATION AUTHORITY OF THE KANSAS CITY AREA TRANSPORTATION DISTRICT (HEREINAFTER REFERRED TO AS THE "AUTHORITY"), WHICH SHALL BE A BODY CORPORATE AND POLITIC AND A POLITICAL SUBDIVISION OF THE STATES OF KANSAS AND MISSOURI.

The authority shall have the following powers:

(1) TO ACQUIRE BY GIFT, PURCHASE OR LEASE AND TO PLAN, CONSTRUCT, OPERATE AND MAINTAIN, OR TO LEASE TO OTHERS FOR OPERATION AND MAINTENANCE, PASSENGER TRANSPORTATION SYSTEMS AND FACILITIES, EITHER UPON, ABOVE, OR BELOW THE GROUND.

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

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

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

(5) TO DISBURSE FUNDS FOR ITS LAWFUL ACTIVITIES AND FIX SALARIES AND WAGES OF ITS OFFICERS AND EMPLOYEES.

(6) 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 OR TO OWN AND TO OPERATE, AND TO ISSUE THE NEGOTIABLE NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING OF THE AUTHORITY IN EVIDENCE OF THE SUM OR SUMS TO BE BORROWED.

(7) 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, WHICH REFUNDING 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.

(8) TO PROVIDE THAT ALL NEGOTIABLE NOTES, BONDS AND OTHER INSTRUMENTS IN WRITING ISSUED EITHER PURSUANT TO SUBDIVISION (6) OR PURSUANT TO SUBDIVISION (7) HEREOF SHALL BE PAYABLE, BOTH AS TO PRINCIPAL AND INTEREST, OUT OF THE REVENUES COLLECTED FOR THE USE OF ANY FACILITY OR COMBINATION OF FACILITIES OWNED OR OPERATED OR OWNED AND OPERATED BY THE AUTHORITY, OR OUT OF ANY OTHER RESOURCES OF THE AUTHORITY, AND MAY BE FURTHER SECURED BY A MORTGAGE OR DEED OF TRUST UPON ANY PROPERTY OWNED BY THE AUTHORITY. ALL NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING ISSUED BY THE AUTHORITY 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 AUTHORITY SHALL HAVE THE POWER TO PRESCRIBE THE DETAILS OF SUCH NOTES, BONDS OR OTHER INSTRUMENTS IN WRITING, AND OF THE ISSUANCE AND SALE THEREOF, AND SHALL HAVE THE 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 AUTHORITY, WITHOUT FURTHER LEGISLATIVE AUTHORITY.

(9) TO CONDEMN ANY AND ALL RIGHTS OR PROPERTY, OF ANY KIND OR CHARACTER, NECESSARY FOR THE PURPOSES OF THE AUTHORITY, SUBJECT TO THE PROVISIONS OF THIS COMPACT, BUT NO PROPERTY NOW OR HEREAFTER VESTED IN OR HELD BY EITHER STATE OR BY ANY COUNTY, CITY, VILLAGE, TOWNSHIP OR OTHER POLITICAL SUBDIVISION, SHALL BE TAKEN BY THE AUTHORITY WITHOUT THE AUTHORITY OR CONSENT OF SUCH STATE, COUNTY, CITY, VILLAGE, TOWNSHIP OR OTHER POLITICAL SUBDIVISION. IF THE PROPERTY TO BE CONDEMNED BE SITUATED IN THE STATE OF KANSAS, THE AUTHORITY 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 AUTHORITY 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 RIGHTS-OF-WAY.

(10) TO PETITION ANY INTERSTATE COMMERCE COMMISSION (OR LIKE BODY), PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION (OR LIKE BODY), OR ANY OTHER FEDERAL, MUNICIPAL, STATE OR LOCAL AUTHORITY, ADMINISTRATIVE, JUDICIAL OR LEGISLATIVE, HAVING JURISDICTION IN THE PREMISES, FOR THE ADOPTION OF PLANS FOR AND EXECUTION OF ANY PHYSICAL IMPROVEMENTS, CHANGE IN METHOD, RATE OF TRANSPORTATION, WHICH, IN THE OPINION OF THE AUTHORITY, MAY BE DESIGNED TO IMPROVE OR BETTER THE HANDLING 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.

(11) TO PERFORM ALL OTHER NECESSARY AND INCIDENTAL FUNCTIONS; AND TO EXERCISE SUCH ADDITIONAL POWERS AS SHALL BE CONFERRED ON IT BY THE LEGISLATURE OF EITHER STATE CONCURRED IN BY THE LEGISLATURE OF THE OTHER AND BY ACT OF CONGRESS.

ARTICLE IV

NOTHING CONTAINED IN THIS COMPACT SHALL IMPAIR THE POWERS OF ANY COUNTY, MUNICIPALITY OR OTHER POLITICAL SUBDIVISION TO ACQUIRE, OWN, OPERATE, DEVELOP OR IMPROVE ANY FACILITY WHICH THE AUTHORITY IS GIVEN THE RIGHT AND POWER TO OWN, OPERATE, DEVELOP OR IMPROVE.

NOTHING HEREIN SHALL IMPAIR OR INVALIDATE IN ANY WAY BONDED INDEBTEDNESS OF EITHER STATE OR OF ANY COUNTY, CITY, VILLAGE, TOWNSHIP OR OTHER POLITICAL SUBDIVISION, NOR IMPAIR THE PROVISIONS OF LAW REGULATING THE PAYMENT INTO SINKING FUNDS OF REVENUES DERIVED FROM MUNICIPAL PROPERTY OR DEDICATING THE REVENUES DERIVED FROM ANY MUNICIPAL PROPERTY TO A SPECIFIC PURPOSE.

UNLESS AND UNTIL OTHERWISE PROVIDED, THE AUTHORITY 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 COMPACT AND ANY LEGISLATION THEREUNDER.

ARTICLE V

THE AUTHORITY 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 DISTRICT, THE MISSOURI MEMBERS TO 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 VI

THE AUTHORITY SHALL ELECT FROM ITS NUMBER A CHAIRPERSON AND A VICE-CHAIRPERSON, AND MAY APPOINT SUCH OFFICERS AND EMPLOYEES AS IT MAY REQUIRE FOR THE PERFORMANCE OF ITS DUTIES, AND SHALL FIX AND DETERMINE THEIR QUALIFICATIONS AND DUTIES.

UNLESS OTHERWISE DETERMINED BY THE LEGISLATURE OF THE TWO STATES, NO ACTION OF THE AUTHORITY 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 MEMBERS FROM EACH STATE, PRESENT AT SUCH MEETING, SHALL VOTE IN FAVOR THEREOF.

THE TWO STATES SHALL PROVIDE PENALTIES FOR VIOLATIONS OF ANY ORDER, RULE OR REGULATION OF THE AUTHORITY, AND FOR THE MANNER OF ENFORCING THE SAME.

ARTICLE VII

THE AUTHORITY IS AUTHORIZED AND DIRECTED TO PROCEED TO CARRY OUT ITS DUTIES, FUNCTIONS AND POWERS IN ACCORDANCE WITH THE ARTICLES OF THIS COMPACT AS RAPIDLY AS MAY BE ECONOMICALLY PRACTICAL 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 TAXES OR ASSESSMENTS.

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

IN THE PRESENCE OF:

History: L. 1965, ch. 115, § 1; L. 1970, ch. 64, § 19; L. 1978, ch. 99, § 13; L. 1982, ch. 347, § 8; July 1.