

a valid physician certification while making application for an identification card; or a valid Primary caregiver identification card. Production of the respective equivalent identification card or authorization issued by another state or political subdivision of another state shall also meet the requirements of this subdivision.

(2) No patient shall be denied access to or priority for an organ transplant because they hold a Qualifying Patient identification card or use marijuana for medical use.

(3) A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri State Board of Registration for the Healing Arts, or its successor agency, for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or issuing a physician certification to a patient diagnosed with a qualifying medical condition in a manner consistent with this section and legal standards of professional conduct.

(4) A health care provider shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or providing health care services that involve the medical use of marijuana consistent with this section and legal standards of professional conduct.

(5) A Medical Marijuana Testing Facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of marijuana consistent with this section and otherwise meeting legal standards of professional conduct.

(6) A health care provider shall not be subject to mandatory reporting requirements for the medical use of marijuana by non-emancipated Qualifying Patients under eighteen years of age in a manner consistent with this section and with consent of a parent or guardian.

(7) A Primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering marijuana for medical use to a qualifying patient or participating in the patient cultivation of up to six flowering marijuana plants per patient in a manner consistent with this section and generally established legal standards of personal or professional conduct.

(8) An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for owning, operating, investing in, being employed by, contracting with, or providing legal assistance to prospective or licensed Medical Marijuana Testing Facilities, Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensary Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, Qualifying Patients, Primary caregivers, physicians, health care providers or others related to activity that is no longer subject to criminal penalties under state law pursuant to this section.

(9) Actions and conduct by Qualifying Patients, Primary Caregivers, Medical Marijuana Testing Facilities, Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities licensed or registered with the Department, or their employees or agents, as permitted by this section and in compliance with Department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

(10) Nothing in this section shall provide immunity for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat under the influence of marijuana.

(11) It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by Qualifying Patients, Primary Caregivers, Medical Marijuana Testing Facilities, Medical Marijuana Cultivation Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

Nothing in this section shall limit the General Assembly from enacting laws consistent with this section, or otherwise effectuating the patient rights of this section. The legislature shall not enact laws that hinder the right of Qualifying Patients to access marijuana for medical use as granted by this section.

**7. Additional Provisions**

(1) Nothing in this section permits a person to:

- (a) Consume marijuana for medical use in a jail or correctional facility;
- (b) Undertake any task under the

influence of marijuana when doing so would constitute negligence or professional malpractice; or

(c) Operate, navigate or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana; or

(d) Bring a claim against any employer, former employer, or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer, or prospective employer prohibiting the employee, former employee, or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana.

(2) No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused Products Manufacturing Facility, or entity with a transportation certification shall be owned, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense. A "disqualifying felony offense" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the Department determines that:

(a) The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or

(b) The person's conviction was for a non-violent crime for which he or she was not incarcerated and that is more than five years old; or

(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses. The Department may consult with and rely on the records, advice and recommendations of the Attorney General and the Department of Public Safety, or their successor entities, in applying this subdivision.

(3) All Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, and Medical Marijuana-Infused Products Manufacturing Facility licenses, entities with Medical Marijuana Testing Facility certifications, and entities with transportation certifications shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one year prior to the application for such license or certification. Notwithstanding the foregoing, entities outside the state of Missouri may own a minority stake in such entities.

(4) No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-Infused Products Manufacturing Facility shall manufacture, package or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between a marijuana or marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional Department sanction, up to and including loss of license.

(5) All edible marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, as containing "Marijuana," or a "Marijuana-Infused Product." Violation of this prohibition shall subject the violator to Department sanctions, including an administrative penalty.

(6) No individual shall serve as the Primary caregiver for more than three Qualifying Patients.

(7) No Qualifying Patient shall consume marijuana for medical use in a public place, unless provided by law. Violation of this prohibition shall subject the violator to sanctions as provided by general law.

(8) No person shall extract resins from marijuana using dangerous materials or combustible gases without a Medical Marijuana-Infused Products Manufacturing Facility license. Violation of this prohibition shall subject the violator to Department sanctions, including an administrative penalty and, if applicable, loss of their identification card, certificate, or license for up to one year.

(9) All Qualifying Patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the Qualifying Patient or by such patient's Primary caregiver. Two Qualifying Patients, who both hold valid Qualifying Patient cultivation identification cards, may share one enclosed, locked facility. No more than twelve Qualifying Patient or Primary caregiver cultivated flowering marijuana plants may be cultivated in a single, enclosed locked facility, except when a Primary caregiver also holds a Qualifying Patient cultivation identification card, in which case no more than eighteen flowering marijuana plants may be cultivated in a single, enclosed, locked facility.

(10) No Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility, or entity with a transportation certification shall assign, sell, give, lease, sublicense, or otherwise transfer its license or certificate to any other entity without the express consent of the Department, not to be unreasonably withheld.

(11) Unless allowed by the local government, no new Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Dispensary Facility, or Medical Marijuana-

Infused Products Manufacturing Facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. No local government shall prohibit Medical Marijuana Cultivation Facilities, Medical Marijuana Testing Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, or Medical Marijuana Dispensary Facilities, or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Dispensary Facility, or entity holding a transportation certification that may operate in such locality.

(12) Unless superseded by federal law or an amendment to this Constitution, a physician shall not certify a qualifying condition for a patient by any means other than providing a physician certification for the patient, whether handwritten, electronic, or in another commonly used format. A Qualifying Patient must obtain a new physician certification at least annually.

(13) A physician shall not issue a certification for the medical use of marijuana to a non-emancipated Qualifying Patient under the age of eighteen without the written consent of the Qualifying Patient's parent or legal guardian. The Department shall not issue a Qualifying Patient identification card on behalf of a non-emancipated Qualifying Patient under the age of eighteen without the written consent of the Qualifying Patient's parent or legal guardian. Such card shall be issued to one of the parents or guardians and not directly to the patient. Only a parent or guardian may serve as a Primary caregiver for a non-emancipated Qualifying Patient under the age of eighteen. Only the Qualifying Patient's parent or guardian shall purchase or possess medical marijuana for a non-emancipated Qualifying Patient under the age of eighteen. A parent or guardian shall supervise the administration of medical marijuana to a non-emancipated Qualifying Patient under the age of eighteen.

(14) Nothing in this section shall be construed as mandating health insurance coverage of medical marijuana for Qualifying Patient use.

(15) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for medical use or for activities otherwise in compliance with this section shall not be subject to asset forfeiture solely because of that use.

**8. Severability**  
The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent possible.

**9. Effective Date**  
The provisions of this section shall become effective on December 6, 2018.

STATE OF MISSOURI }  
Secretary of State } ss

I, John R. Ashcroft, Secretary of State of the State of Missouri, hereby certify that the foregoing is a full, true and complete copy of Constitutional Amendment No. 2, to be submitted to the qualified voters of the State of Missouri at the General Election to be held the sixth day of November, 2018. In TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Missouri, done at the City of Jefferson, this 28th day of August, 2018.



**CONSTITUTIONAL AMENDMENT NO. 3**

[Proposed by Initiative Petition]  
**OFFICIAL BALLOT TITLE:**  
**Shall the Missouri Constitution be amended to:**

- allow the use of marijuana for medical purposes, and create regulations and licensing procedures for marijuana and marijuana facilities;
- impose a 15 percent tax on the retail sale of marijuana, and a tax on the wholesale sale of marijuana flowers and leaves per dry-weight ounce to licensed facilities; and
- use funds from these taxes to establish and fund a state research institute to conduct research with the purpose of developing cures and treatments for cancer and other incurable diseases or medical conditions?

This proposal is estimated to generate annual taxes and fees of \$66 million. State governmental entities estimate initial implementation costs of \$186,000 and increased annual operating costs of \$500,000. Be it resolved by the people of the State of Missouri that the

**Constitution be amended:**  
One new article and twelve new sections are adopted by adding twelve new sections to a new Article, to be known as Sections 1 through Section 12 of Article XIV to read as follows:

**Section 1. Purpose.**

(a) For the purpose of benefiting the citizens of Missouri by providing for medical research to find and develop cures and treatments for cancer and other incurable and chronic diseases or medical conditions, and by funding said medical research by the legalization and use of medical marijuana or its derivatives as palliative or ameliorative treatment for any such condition, with taxes on medical marijuana or any derivatives thereof as set forth herein, with the proceeds of such taxes to be used to establish, provide for, and continue such medical research as provided herein. This Article XIV permits authorized physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. The Article XIV allows patients with qualifying medical conditions the right to discuss freely with their physicians the possible benefits of medical marijuana use, the right of their physicians to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician. This Article XIV is not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. The section does not allow for the public use of marijuana or driving under the influence of marijuana.

**Section 2. Definitions:**  
As used in this Article XIV, the following terms shall mean:

(a) "Administer" means the direct application of marijuana to the body of a qualifying patient by any approved methods, as defined herein.

(b) "Approved methods" for the administration of marijuana are defined to include ingestion of capsules, teas and other sanctioned marijuana-infused products, vaporization or smoking of dried flowers/buds, oils, resins, or plant material, application of ointments, patches, suppositories or balms, consuming marijuana-infused food products or any other method recommended by a qualifying patient's physician and approved by the Research Board.

(c) "Article XIV Coordinator" means the individual who coordinates activation and implementation of this Article XIV and its subsections by initially and temporarily functioning as the Chairperson of the Research Board of the Biomedical Research and Drug Development Institute and Chairperson of the Land Acquisition Board until those positions are otherwise filled pursuant to this Article XIV.

(d) "Authorized physician" means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law and has not in the past ten years had their license suspended, or in the last twenty years revoked, for excessively dispensing controlled substances.

(e) "Building and construction" means the erection, renovation, development or remodeling of any structure allowed for in this article including, but not limited to, marijuana cultivation facilities, offices, buildings, clinics, hospitals, sidewalks, roads, public transit systems and structures, public recreational and entertainment facilities, community developments, landscaping, green spaces, enterprise zones, housings, parks, recreational areas and the planning, design, development, architectural design and engineering of any of the same.

(f) "Campus" means the primary and main physical location of a campus where medical research and treatment shall be performed, medical marijuana and the diseases it ameliorates may be cultivated and studied, and headquarters of the Research Board and where the Research Board shall primarily operate, also including but not limited to, the campus selected and developed under land acquisition and land development, and used as the primary physical location for jobs, building and construction, land development, improvements, research, cures and education in Missouri in the endeavor to find cures for presently incurable diseases under this Article XIV.

(g) "Cures" means any and all cures, also including but not limited to, medical treatments, psychiatric and psychological treatments, medications, protocols, therapies, surgeries, genetic material, biologicals, behavioral treatments, clinical trials, laboratory studies, diagnostic tests, evaluations, counseling, treatments, implants, grafts, hardware, orthotics, machines, electronic devices, computers, software programs, studies, and endeavors that help or may help in studying, slowing, curing, eliminating, halting, placing in remission, ameliorating, ending, or regressing any or all presently incurable diseases, targeted diseases, or conditions, illnesses and diseases that are otherwise incurable.

(h) "Designated primary caregiver" means an individual twenty-one (21) years of age or older who has significant responsibility for managing the well-being of a person who has a physician certification and has been designated as such on that person's application for a designated primary caregiver identification card consistent with the regulations of the Research Board.

(i) "Designated primary caregiver identification card" means a card issued by the Research Board to a designated primary caregiver.

(j) "Education" means any and all education, also including but not limited to, teaching, training and education that is, directly or indirectly, necessary, helpful or supportive to jobs, building and construction, land development, campus development, campus improvement, research, jobs and education in Missouri in the endeavor to find cures for incurable diseases.

(k) "Endeavor" means any and all endeavors, also including but not limited to, attempts, quests, searches, championing, pursuit, travel, work, inquiries, treatments, protocols, implementations, and research relating to jobs, building and construction, land development, campus, research and education in Missouri in the effort to find cures for presently incurable diseases.

(l) "In Missouri" means within the geographic boundaries of the State of Missouri as established by law and this Constitution.

(m) "Jobs" means any and all forms of jobs and work pursuant to this Article XIV, also including but not limited to, salaries, consultants and fees, employment of individuals where the work classification is directly or indirectly related to building and construction, land development, campus, research, cures and education in Missouri in the endeavor to find cures for presently incurable diseases.

(n) "Land acquisition" means the acquisition of real and personal property, also including but not limited to investigations, inquiries, studies, plans and review of data to determine five potential locations for land development and acquisition for a campus where jobs will be had, building and construction will occur and research and education in Missouri will take place in the endeavor to find cures for presently incurable diseases and where the Research Board shall be primarily located.

(o) "Land development" means any and all land planning and development, also including but not limited to studies, inquiries, exploration, research, planning, and actual purchase of lands, buildings, real estate and property related to site development and campus, land acquisition, land design and use, covenants, restrictions, and ancillary jobs, building and construction, research and education in Missouri in the endeavor to find cures for presently incurable diseases.

(p) "Local government" means a county or city not within a county, or any city, town or village under Chapters 71-82 RSMo.

(q) "Marijuana" means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains, including but not limited to extractions, resins, concentrates and infusions, commonly understood within the scientific community to constitute or contain marijuana, and the seeds of such plants. "Marijuana" does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp, or synthetic marijuana.

(r) "Medical Marijuana Cultivation Facility" means a facility, person or entity, licensed by the Research Board, to cultivate in Missouri, store and transport in Missouri and sell in Missouri, marijuana to a Medical Marijuana Dispensary Facility for sale for medical use or to a Medical Marijuana-Infused/Extraction Products Manufacturing Facility for use and manufacture in marijuana-infused/extraction products for sale to a Medical Marijuana Dispensary Facility for sale for medical use.

(s) "Medical Marijuana Research Cultivation Facility" means a facility, person or entity, licensed by the Research Board, to cultivate in Missouri, store and transport in Missouri and sell in Missouri, marijuana for research purposes or to a Medical Marijuana Dispensary Facility for sale for medical use or to a Medical Marijuana-Infused/Extraction Products Manufacturing Facility for use and manufacture in marijuana-infused/extraction products for sale to a Medical Marijuana Dispensary Facility for sale for medical use, with such Medical Marijuana Dispensary Facilities participating in the research in some fashion directed towards the use of medical marijuana, by voluntary surveys or otherwise, with qualifying patients who purchase the research cultivated marijuana.

(t) "Medical Marijuana Dispensary Facility" means a facility, licensed by the Research Board, to transport, store and sell in Missouri marijuana or marijuana-infused/extraction products for medical use, as provided in this Article XIV.

(u) "Medical Marijuana-Infused/Extraction Products Manufacturing Facility" means a facility, licensed by the Research Board, to manufacture products which are infused with marijuana or its extracts, or products produced from extracts or derivatives of marijuana, and store and transport marijuana-infused/extraction products in Missouri for sale to a Medical Marijuana Dispensary Facility for sale for medical use.

(v) "Medical use of marijuana" means the production, possession, delivery, transportation, distribution or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person's qualifying medical condition.

(w) "Missouri Resident" means for purposes of this Article XIV that the natural person was physically present and maintained a residence in the state of Missouri for greater than one hundred and eighty (180) days out of any calendar year in question and was legally in both the United States and Missouri during that entire time period.

(x) "Participating research entities" means public, private, quasi-public or quasi-private entities or individuals that enter into contracts with the Research Board for research, building and construction and endeavors to facilitate finding cures for presently incurable diseases.

(y) "Physician certification" means a written document, valid for up to twenty-four (24) months from the date of the authorized physician's signature, signed by an authorized physician, that states in the physician's professional opinion, the qualifying patient suffers from a qualifying medical condition, is likely to receive

therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's qualifying medical condition or symptoms associated with the qualifying medical condition, and that the potential benefits of the medical use of marijuana may outweigh the health risks to the qualifying patient.

(z) "Plant canopy" means the area dedicated to live marijuana plants, such as maintaining mother plants, propagating plants from seed to plant tissue, clones, vegetative or flowering area. Plant canopy does not include areas such as space used for the storage of fertilizers, pesticides, or other products, quarantine, office space, walkways and the like.

(aa) "Presently incurable diseases" means any and all diseases and disorders that are presently as well as in the future determined/classified to be incurable, including but not limited to, illnesses, diseases, ailments, conditions and syndromes that are terminal, fatal, progressive, not necessarily progressive but result in long term and frequently permanent injury, disability or suffering or such conditions that are not readily or not effectively treatable to a full cure.

(bb) "Qualifying medical condition" means diseases that medical marijuana ameliorates, including but not limited to:

- i. cancer,
- ii. epilepsy,
- iii. multiple sclerosis,
- iv. human immunodeficiency virus and acquired immune deficiency syndrome,
- v. glaucoma,
- vi. intractable migraines unresponsive to other treatment,
- vii. a chronic medical condition that causes persistent pain and/or persistent muscle spasms including but not limited to those associated with paralysis, Parkinson's disease, Bell's Palsy, and Tourette's syndrome,
- viii. debilitating psychiatric disorders that benefit from medical marijuana and have been treated at some point in the patient's medical history by a physician who has received at least three months or more of training in a psychiatric internship, residency program, or through a continuing education program sponsored by an accredited psychiatric residency program, approved by the Research Board and directed toward the recommendations or use of medical marijuana for psychiatric disorders,
- ix. a terminal illness,
- x. end stage illness as defined by the Research Board, and
- xi. any other diseases that the Research Board determines, based upon reliable data and generally accepted scientific principles, will benefit from treatment with medical marijuana.

(cc) "Qualifying patient" means 1) a patient, eighteen (18) years old or older, with one or more qualifying medical conditions, or 2) a patient, under eighteen (18) years old, with one or more qualifying medical conditions who also has notarized written consent from a parent or legal guardian to use medical marijuana or medical marijuana-infused products, as well as verbal in person consent from a parent or legal guardian to an authorized physician writing the physician certification.

(dd) "Qualifying patient identification card" means a card issued by the Research Board for a qualifying patient with a valid physician certification.

(ee) "Research" means any and all research and development, also including but not limited to, teaching, training, studies, analysis, evaluations, and education that is, directly or indirectly, necessary, helpful or supportive to discovering, implementing, or finding cures, and studies for cures of illnesses and diseases that are presently incurable diseases and ancillary jobs, building and construction, research and education in Missouri in the endeavor to find cures for presently incurable diseases.

(ff) "Research Board" means the Board of the Biomedical Research and Drug Development Institute.

(gg) "Rule" or "Rules" has the meaning in this article as it does in Section 536.010 of RSMo.

(hh) "Secondary Campus" means Research Board discretionary secondary physical locations, including but not limited to building and construction of such secondary campuses that will operate in collaboration with any accredited medical or pharmacy school located within Missouri under this Article XIV, section 5, and used for jobs, building and construction, research, cures, and education in Missouri in the endeavor to find cures for presently incurable diseases under this Article XIV.

(ii) "Shall" means must in this Article XIV.

(jj) "Targeted Disease(s)" means any and all presently incurable diseases that are, or may be, specifically identified or singled out, or otherwise isolated, whether by type, sub-type, sub-sub-type, and to show by example: breast cancer, or interlobular breast cancer, or estrogen positive breast cancer, or estrogen negative interlobular breast cancer, or poorly differentiated estrogen positive interlobular breast cancer, etc.; or leukemia or chronic lymphocytic leukemia or acute lymphocytic leukemia, etc.; or Parkinson's disease, or early onset Parkinson's disease, etc.; or endogenous depression, or depression secondary to bipolar disorder, etc.

**Section 3. Research Board and Duties.**

(a) There is hereby created and established as a governmental instrumentality of the State of Missouri the "Biomedical Research and Drug Development Institute" which shall constitute a body corporate and politic and operate