



# CITY OF TOPEKA

Legal Department  
215 SE 7<sup>th</sup> Street, Room 353  
Topeka, KS 66603

Amanda Stanley, City Attorney  
Tel: (785) 368-3883  
[www.topeka.org](http://www.topeka.org)

To: Senate Federal and State Affairs  
From: Amanda Stanley, City Attorney  
Date: February 20, 2024  
Re: Opposition Testimony for SB 474

I would like to thank Chairman Thompson and the Committee for allowing the City of Topeka the opportunity to provide opposition testimony on SB 474.

In Kansas, only one level of government, cities, have a process for initiatives and referendums. The initiative process allows voters to propose, or initiate, a local law or action by filing a petition signed by a specified number of voters. Under KSA 12-3013, citizens may initiate proposed ordinances by petition. If the petition is found sufficient, the governing body must either pass the requested ordinance without alteration within 20 days of the petition being submitted or call a special election, unless a regular city election is scheduled within 90 days. If passed by the voters, the ordinance cannot be amended or repealed except by another election for ten years. This statute is antiquated dating back to at least the 1940s. Rarely do ordinances introduced under this statute lead to good public policy. The ordinances often have conflicting or ill-defined legal terms, conflict with state law, or have other legal flaws; however, the statute has wisely restricted K.S.A. 12-3013 to only legislative actions and not administrative functions. There are dozens of cases and Attorney General Opinions describing administrative ordinances that have been attempted including prohibiting prime city land for being used for anything but a cemetery<sup>1</sup>, banning a casino from a city and prohibiting the provisions of city services to a casino<sup>2</sup>, dictating the location of a fire station<sup>3</sup>, dictating the terms of the sale of city real estate<sup>4</sup>, calling for the termination of a particular employee<sup>5</sup>, dictating how trash is collected<sup>6</sup>, prohibiting certain chemicals in the public water supply<sup>7</sup> just to name a few. Administrative ordinances could be used to defund police departments and eliminate city services that are need to accomplish the stated goal of the ordinance. This ordinances are often drafted by individuals with strong feelings on a topic that might not represent the public as a whole. However, these petitions are rarely signed by citizens who have a complete understanding of the effect of the ordinance and a city is very limited in how it can educate the public on why a yes vote is a bad idea.

Allowing the use of this process for administrative ordinances is a dangerous game. The State is gambling on the possibility a city will be frozen in time for up to a decade on a crucial action. It prohibits flexibility and subverts the role of the elected local officials we elect to run our cities and vet public policy with a full understanding of the facts. We would strongly encourage this legislation not be passed out of Committee or, in the alternate, the bill be amended to repeal K.S.A. 12-3013 in its entirety.

---

<sup>1</sup> Kan. Atty. Gen. Op. No. 94-124

<sup>2</sup> Kan. Atty. Gen. Op. No. 2007-42

<sup>3</sup> Kan. Atty. Gen. Op. No. 99-59

<sup>4</sup> Kan. Atty. Gen. Op. No. 95-42

<sup>5</sup> Kan. Atty. Gen. Op. No. 84-95

<sup>6</sup> Kan. Atty. Gen. Op. No. 78-223

<sup>7</sup> Kan. Atty. Gen. Op. No. 78-94