



SB 474

Tuesday, February 20, 2024

Senate Federal and State Affairs Committee

Sharon Dickgraf, City of Wichita

Chairman Thompson and members of the Committee;

Thank you for allowing the City of Wichita to present testimony in opposition of SB 474. It is asked that the bill not be advanced.

The City of Wichita, over several decades, has been presented with initiative petitions regarding a wide range of topics: fluoridation of the city's water supply, repeal of its stormwater ordinances, prohibiting the licensing of businesses dealing with firearms, regulation of abortion, legalization of marijuana (3 petitions) and prohibiting the demolition of what many deemed an iconic structure to the City's landscape. The city is familiar with the process set forth in the statute and its purpose.

Like Wichita, other cities have been presented with initiative petitions regarding: the extension of infrastructure to a casino, requiring a vote to raise sales taxes, where to locate a city hall or fire station, salary classifications of public employees (fire fighters) and prohibiting a governing body from taking actions during an emergency.

K.S.A. 12-3013, provides a procedure whereby city voters may place a **legislative** action of the city's governing body before a vote of the people. No other electors in Kansas are provided such a means to enact legislation. The result of a successful petition, is that the municipality must either adopt the proposed ordinance, as written, or place it on the ballot. An ordinance adopted pursuant to K.S.A. 12-3013, may not be amended or repealed for ten years.

The scope of ordinances which may be enacted pursuant to this statute is not absolute. Since 1981, three types of ordinances were prohibited from being enacted by petition: administrative ordinances, ordinances related to public improvements paid for by the levy of special assessments and ordinances which are subject to referendum or election under another statute.

The exclusion of administrative ordinances is necessary to insure efficient and fiscally sound operation of municipal government. Many decisions regarding operations of municipal organizations require specialized training and experience in municipal government, finance, statutory budget laws (K.S.A. 79-2935) and Cash Basis Law K.S.A. 10-1101 *et seq*). Salaries and conditions of employment for public employees are dictated by union contracts, Fair Labor Standards Laws, Equal Employment Opportunity Laws, and state wage regulations.

Cities budget years in advance for capital improvements. Decisions regarding the use of active life and uses of public facilities are determined by available funding, community needs, long-term expenditures for infrastructure and the City's overall revenue and expenses for each year.

It is agreed that all citizens deserve a voice in local government. When dealing with administrative decision made by local officials, citizens' voices are heard when they vote for their local representatives. City Council elections provide a voice for citizens to ensure that economic and fiscal decisions are made timely and appropriately by their governing body.

The utilization of the petition process for administrative functions would be detrimental to cities throughout the state. It would interpose uncertainty into long term decisions of these organizations and to public employees who work for them. To require municipalities to hold public elections on **any** facet of government: budgeting, fiscal affairs, public safety, licensing, zoning, number of and compensation for employees, and use of public property would certainly slow city operations and could arguably bring the daily affairs of municipalities, subjected to a petition drive, to a screeching halt. For these reasons, it is asked that the bill not be advanced.