



**Senate Committee on Federal and State Affairs
Hearing on Senate Bill 474
Hearing Date – February 20, 2024**

**Written Testimony in opposition to SB 474 on behalf of the City of Manhattan
By Ron Fehr, City Manger**

Good morning, Chair Thompson, Vice Chair Kloos and Honorable Members of the Senate Committee on Federal and State Affairs.

The City of Manhattan opposes SB 474 which would eliminate the administrative ordinance restriction in the Initiative and Referendum Act, K.S.A. 12-3013 et seq. (“the Act”). This legislation could result in upheaval to local government, ultimately impairing cities from providing critical services in a prudent, fiscally responsible manner that benefits the community.

The current version of the Act creates a process for citizens to initiate the adoption of a City legislative ordinance. As an example, in 2008, the City of Manhattan received a petition pursuant to the Act that prohibited smoking inside most public places and places of employment. This legislative ordinance had a general public purpose of improving overall public health. The voters approved the ordinance. A voter did not need specialized knowledge or understanding of municipal government to understand the impacts of their vote. Once adopted, it did not impose any costs on the City that taxpayers had to bear nor did it impact other City services.

In contrast, an administrative ordinance implements public policy and typically involves spending city funds and/or the exercise of specialized training and comprehensive knowledge of the fiscal and other affairs of a city. As an example, in 2012, the City of Manhattan received a petition pursuant to the Act that required the City to establish a Social Services Advisory Board and provide City funding to social service non-profits in Manhattan at a minimum level of 2% of the general fund (equivalent to more than \$600,000). This administrative ordinance spent City money without any regard for other City resources or the community as a whole. The ordinance did not proceed to a vote because it did not comply with the Act.

If the electorate can use the Act to impose administrative ordinances, they could potentially dictate where city buildings are located, which businesses should receive economic development dollars, how utilities are operated, which city departments or critical services should be provided or eliminated, or how City employees should be paid. Many voters would not have the information to evaluate how these narrow decisions will impact the overall City budget, their tax burden, or other City services. Administrative decisions should remain the purview of City officials, who have the experience and expertise to consider the ripple effects. City officials would remain accountable to their citizenry for these decisions, even if the proposed legislation is denied.

Thank you for allowing the City to submit this testimony.