

SENATE BILL No. 474

By Committee on Federal and State Affairs

2-7

1 AN ACT concerning cities; relating to initiation of ordinances by petition;
2 eliminating the administrative ordinance limitation; amending K.S.A.
3 12-3013 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 12-3013 is hereby amended to read as follows: 12-
7 3013. (a) Except as provided in subsection (e), a proposed ordinance may
8 be submitted to the governing body of any city accompanied by a petition
9 as provided by this section. ~~Such~~ The petition shall be signed by electors
10 equal in number to at least 25% in cities of the first class, and 40% in cities
11 of the second and third class, of the electors who voted at the last
12 preceding regular city election ~~as shown by the poll books~~ and shall
13 contain a request that the governing body pass the ordinance or submit the
14 ~~same ordinance~~ to a vote of the electors. ~~Such~~ The ordinance and petition
15 shall be filed with the city clerk.

16 The signatures on the petition need not all be appended to one paper,
17 but each signer shall include the signer's place of residence, giving the
18 street and number (if there are street numbers). One person signing each
19 paper shall make oath before an officer competent to administer oaths that
20 such person believes the statements therein and that each signature to the
21 paper appended is the genuine signature of the person whose name it
22 purports to be. If the petition accompanying the proposed ordinance is
23 signed by the required number of electors qualified to sign, the governing
24 body shall either (a) pass such ordinance without alteration within 20 days
25 after attachment of the clerk's certificate to the accompanying petition; or
26 (b) if not passed within 20 days, forthwith call a special election, unless a
27 regular city election is to be held within 90 days thereafter, and at such
28 special or regular city election submit the ordinance, without alteration, to
29 the vote of the electors of the city.

30 (b) The ballots used when voting upon the ordinance shall set forth
31 the proposed ordinance in full or submit the proposed ordinance by title
32 generally descriptive of the contents thereof. Each proposed ordinance set
33 forth in full or submitted by title generally descriptive of the contents
34 thereof shall be preceded by the words, "Shall the following be adopted?"
35 If there is more than one proposed ordinance to be voted upon, the
36 different proposed ordinances shall be separately numbered and printed,

1 and the ballots shall conform to the requirements of K.S.A. 25-605, and
2 amendments thereto.

3 (c) If a majority of the qualified electors voting on the proposed
4 ordinance votes in favor thereof, ~~such~~ the ordinance shall thereupon
5 become a valid and binding ordinance of the city. Any ordinance proposed
6 by a petition ~~as herein provided~~ and passed by the governing body or
7 adopted by a vote of the electors, shall not be repealed or amended except
8 (1) by a vote of the electors, or (2) by the governing body, if the ordinance
9 has been in effect for 10 years from the date of publication, if passed by
10 the governing body, or from the date of the election, if adopted by a vote
11 of the electors. Any number of proposed ordinances may be voted upon at
12 the same election, in accordance with the provisions of this section, but
13 there shall not be more than one special election in any period of six
14 months for such purpose. Mayors having veto power shall not veto any
15 such ordinance, and if passed by the council or commission the mayor
16 shall sign the ordinance.

17 (d) The governing body may submit a proposition for the repeal of
18 any such ordinance, or for amendments thereto, to be voted upon at any
19 succeeding regular city election. If ~~such~~ the proposition ~~so submitted~~
20 receives a majority of the votes cast thereon at such election, such
21 ordinance shall ~~thereby~~ be repealed or amended accordingly. Whenever
22 any ordinance or proposition is required by this act to be submitted to the
23 electors of the city at any election, the city shall cause such ordinance or
24 proposition to be published once each week for two consecutive weeks in
25 the official city paper. Such publication shall be not more than 20 or less
26 than five days before the election. ~~Any ordinance heretofore passed or~~
27 ~~made effective by election under the provisions of section 12-107 of the~~
28 ~~General Statutes of 1949 shall continue in effect but may be amended or~~
29 ~~repealed as herein provided.~~

30 (e) The provisions of this section shall not apply to:

31 (1) ~~Administrative ordinances;~~

32 (2) Ordinances relating to a public improvement to be paid wholly or
33 in part by the levy of special assessments; or

34 (3)(2) ordinances subject to referendum or election under another
35 statute.

36 (f) *Nothing in this shall section shall prevent an initiative petition for*
37 *an administrative ordinance.*

38 Sec. 2. K.S.A. 12-3013 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.