

HOUSE BILL No. 2232

By Committee on Local Government

2-3

1 AN ACT concerning municipalities; relating to petitions for proposed
2 ordinances; limiting the maximum number of required signatures;
3 extending the effective period of such ordinances; providing for the
4 narrow construction of certain administrative ordinances; amending
5 K.S.A. 12-3013 and repealing the existing section.
6

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

8 Section 1. K.S.A. 12-3013 is hereby amended to read as follows: 12-
9 3013. (a) Except as provided in subsection ~~(e)~~(f), a proposed ordinance
10 may be submitted to the governing body of any city accompanied by a
11 petition as provided by this section. Such petition shall be signed by
12 electors equal in number to at least 25% in cities of the first class, *not*
13 *required to exceed 5,000 electors*, and 40% in cities of the second and
14 third class, of the electors who voted at the last preceding regular city
15 election as shown by the poll books and shall contain a request that the
16 governing body pass the ordinance or submit the same to a vote of the
17 electors. Such ordinance and petition shall be filed with the city clerk.

18 (b) The signatures on the petition need not all be appended to one
19 paper, but each signer shall include the signer's place of residence, giving
20 the street and number ~~(if there are street numbers)~~. One person signing
21 each paper shall make oath before an officer competent to administer oaths
22 that such person believes the statements therein and that each signature to
23 the paper appended is the genuine signature of the person whose name it
24 purports to be. If the petition accompanying the proposed ordinance is
25 signed by the required number of electors qualified to sign, the governing
26 body shall either:

27 ~~(a)~~(1) Pass such ordinance without alteration within 20 days after
28 attachment of the clerk's certificate to the accompanying petition; or

29 ~~(b)~~(2) if not passed within 20 days, ~~forthwith~~ call a special election,
30 unless a regular city election is to be held within 90 days thereafter, and at
31 such special or regular city election submit the ordinance, without
32 alteration, to the vote of the electors of the city.

33 ~~(b)~~(c) The ballots used when voting upon the ordinance shall set forth
34 the proposed ordinance in full or submit the proposed ordinance by title
35 generally descriptive of the contents thereof. Each proposed ordinance set
36 forth in full or submitted by title generally descriptive of the contents

1 thereof shall be preceded by the words, "Shall the following be adopted?"
2 If there is more than one proposed ordinance to be voted upon, the
3 different proposed ordinances shall be separately numbered and printed,
4 and the ballots shall conform to the requirements of K.S.A. 25-605, and
5 amendments thereto.

6 ~~(e)~~(d) If a majority of the qualified electors voting on the proposed
7 ordinance votes in favor thereof, such ordinance shall thereupon become a
8 valid and binding ordinance of the city. Any ordinance proposed by a
9 petition as herein provided and passed by the governing body or adopted
10 by a vote of the electors, shall not be repealed or amended except:

11 (1) By a vote of the electors;; or

12 (2) by the governing body, if the ordinance has been in effect for ~~10~~
13 20 years from the date of publication, if passed by the governing body, or
14 from the date of the election, if adopted by a vote of the electors. Any
15 number of proposed ordinances may be voted upon at the same election, in
16 accordance with the provisions of this section, but there shall not be more
17 than one special election in any period of six months for such purpose.
18 Mayors having veto power shall not veto any such ordinance, and if passed
19 by the council or commission the mayor shall sign the ordinance.

20 ~~(d)~~(e) The governing body may submit a proposition for the repeal of
21 any such ordinance, or for amendments thereto, to be voted upon at any
22 succeeding regular city election. If such proposition so submitted receives
23 a majority of the votes cast thereon at such election, such ordinance shall
24 thereby be repealed or amended accordingly. Whenever any ordinance or
25 proposition is required by this act to be submitted to the electors of the city
26 at any election, the city shall cause such ordinance or proposition to be
27 published once each week for two consecutive weeks in the official city
28 paper. Such publication shall be not more than 20 or less than five days
29 before the election. Any ordinance heretofore passed or made effective by
30 election under the provisions of section 12-107 of the General Statutes of
31 1949 shall continue in effect but may be amended or repealed as herein
32 provided.

33 ~~(e)~~(f) (1) The provisions of this section shall not apply to:

34 ~~(1)~~(A) Administrative ordinances;

35 ~~(2)~~(B) ordinances relating to a public improvement to be paid wholly
36 or in part by the levy of special assessments; or

37 ~~(3)~~(C) ordinances subject to referendum or election under another
38 statute.

39 (2) *Administrative ordinances concerning the municipal initiative*
40 *petition process shall be construed narrowly and legislative enactments*
41 *concerning the municipal initiative petition process shall be construed*
42 *liberally as a right of the electors of a city.*

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

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