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**Date:** February 20, 2024  
**To:** Chairman Thompson and the Senate Committee on Federal and State Affairs  
**From:** City of Overland Park  
**Re:** SB 474 – Opposition (Written)

Thank you for allowing the City of Overland Park to submit testimony in opposition to SB 474. SB 474 would inappropriately expand the scope of citizen-initiative ordinances to administrative areas that can only be properly addressed by elected officials and their professional staff.

Certain local government issues require “particularized knowledge” in matters of municipal operations, public safety, and regulatory issues, as well as an intimate appreciation of the municipality's fiscal affairs.<sup>1</sup> Many of these administrative matters require a careful balancing of the municipality’s budget, staffing levels, recommendations from professional staff, and legal risks. Because a referendum is inherently targeted at a narrow question, it is not suited for the careful balancing of considerations required for administrative matters.

Since the creation of Kansas’s initiative ordinance statute, the legislature has rightfully prohibited these administrative issues from being influenced by referendums in order to prevent the damage that would likely result. For example, SB 474 would allow citizens to cap the amount of money appropriated to our Police Department; prevent our police officers and prosecutors from enforcing state laws prohibiting the use of illegal drugs; prevent the construction of flood-control projects that our engineers deem necessary to protect public safety; and decide that city facilities should only be constructed in a specific part of the community.

SB 474 is especially objectionable given that Kansas is one of the minority of states that has no state-level citizen-initiative process. Broadly expanding the local initiative ordinance process, when the state has no initiative process whatsoever, illustrates the hypocrisy of SB 474.

Thank you for allowing the City to submit testimony in opposition to SB 474. We respectfully request that the Committee not advance this legislation to the full Senate.

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<sup>1</sup> *McAlister v. City of Fairway*, 289 Kan. 391, 408 (2009).