

73-402. Same; petition and election; tax levy, use of proceeds. Whenever twenty-five percent (25%) of the electors of any county or city as shown by the vote for secretary of state at the last preceding election, shall present to the board of county commissioners, or the governing body of any city, a petition setting forth: (1) The character of a memorial desired to be erected; and (2) the approximate cost thereof, such county commissioners, or governing body of such city shall call a special election in the manner now provided for by law for a general election, or at a general election or regular city election if said general election or city election is held within six months after said petition is presented and shall submit at such election the proposition in substantially the following form: "Shall the county (or city) of _____ issue its bonds (or levy a tax) in the sum of \$_____ for the construction (or establishment) of a _____ as a military monument in accordance with the provisions of chapter 256 of the Laws of 1921?"

Before submitting said proposition the board of county commissioners or the governing body of the city, shall determine by an order duly entered whether the indebtedness for said memorial shall be paid by issue of bonds or levy of a tax, and the proposition submitted shall designate whether bonds are to be issued or tax levied. In case a majority of the voters voting shall vote in favor of the erection or establishment of said memorial, then the county commissioners or governing body of the city shall erect such memorial. In addition to the said proposition to be submitted to the electors, if the petition for the memorial so provides, the county commissioners if for a county memorial, or the governing body of the city if for a city memorial, shall submit the following additional proposition to the electors at such election: "Shall such memorial be located at (giving the legal description of the proposed site or sites)?

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And such memorial shall be located on the site receiving the largest number of votes. The board of county commissioners, or governing body of any city, without any election therefor, shall have power to erect and assist in erecting upon any public grounds of said county or city a monument to the memory of parties referred to in K.S.A. 73-401, and for such purposes the board of county commissioners or governing body of such city may appropriate and expend from the general funds of such county or city a sum not in excess of three thousand dollars (\$3,000), or said county commissioners or governing body of said city, in lieu of such appropriation, may levy a tax sufficient to raise such amount and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, such tax to be in addition to all other levies authorized by law.

History: L. 1921, ch. 256, § 2; L. 1979, ch. 52, § 187; July 1.