

SENATE JOINT RESOLUTION NO. 3

INTRODUCED BY RASMUSSEN, PIPINICH, BLOTKAMP,  
MAZUREK, HARPER

IN THE SENATE

JANUARY 17, 1989

INTRODUCED AND REFERRED TO COMMITTEE  
ON LEGISLATIVE ADMINISTRATION.

FIRST READING.

FEBRUARY 17, 1989

COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

FEBRUARY 20, 1989

SECOND READING, DO PASS.

ENGROSSING REPORT.

FEBRUARY 21, 1989

THIRD READING, PASSED.  
AYES, 37; NOES, 13.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989

INTRODUCED AND REFERRED TO COMMITTEE  
ON LEGISLATIVE ADMINISTRATION.

FEBRUARY 28, 1989

FIRST READING.

MARCH 20, 1989

COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1989

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN.  
AYES, 60; NOES, 36.

RETURNED TO SENATE.

IN THE SENATE

APRIL 4, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* JOINT RESOLUTION NO. 3  
2 INTRODUCED BY *Rasmussen*  
3 *Blotman* *Maguire* *Stapz*  
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
5 REPRESENTATIVES OF THE STATE OF MONTANA AUTHORIZING THE  
6 MONTANA CENTENNIAL COMMISSION TO DECLARE THE 1894 CAPITAL  
7 CITY ELECTION BETWEEN ANACONDA AND HELENA VOID; SCHEDULING A  
8 SPECIAL ELECTION IN CONJUNCTION WITH THE 1989 CENTENNIAL  
9 CELEBRATION TO ALLOW THE PEOPLE OF MONTANA TO CHOOSE A  
10 PERMANENT MONTANA CAPITAL; AND PROVIDING FOR THE TEMPORARY  
11 SUSPENSION OF MONTANA VOTING STATUTES.

12  
13 WHEREAS, at the time of ratification of the 1889  
14 Montana Constitution, two state Legislatures existed, each  
15 claiming to be the legitimate state legislative body; and

16 WHEREAS, in the wake of the confusion following these  
17 chaotic legislative assemblages, the City of Helena was  
18 named the "temporary capital" of Montana; and

19 WHEREAS, when none of the seven cities on the 1892  
20 ballot received a majority of votes to be named the  
21 permanent capital, a runoff election was scheduled for 1894  
22 between the two top contenders, Helena and Anaconda; and

23 WHEREAS, two "copper kings" became involved, with the  
24 founder of Anaconda, Marcus Daly, supporting Anaconda's bid  
25 and his political archrival, William A. Clark, backing the

1 bid of Helena; and

2 WHEREAS, for 94 years Anaconda has consistently alleged  
3 that Clark secured the capital for Helena by chicanery,  
4 skullduggery, bribery, and corruption, contending, among  
5 other things, that Clark hired 250 men to work in Plains,  
6 where there was no work, in an effort to buy votes for  
7 Helena; and

8 WHEREAS, for 94 years Anaconda has maintained that  
9 feloniously fraudulent practices precipitated its loss by  
10 1,906 votes and has cited glaring evidence establishing that  
11 while Montana had only 51,000 registered voters in 1894,  
12 55,000 votes were tallied and validated; and

13 WHEREAS, the cornerstone of the Bill of Rights is the  
14 premise guaranteeing the people the fundamental right to  
15 petition the government for redress if an individual or  
16 group has been rendered an injustice.

17  
18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
19 OF REPRESENTATIVES OF THE STATE OF MONTANA:

20 That because the fairminded citizens of Helena cannot  
21 live with themselves if such an injustice has indeed been  
22 perpetrated, it is fitting and proper that:

23 (1) this alleged wrong be redressed by authorizing the  
24 Montana Centennial Commission to declare the 1894 capital  
25 city election between Anaconda and Helena void and by

1 holding an open primary election on April 1, 1989, in which  
2 all Montana communities may be entered as contestants for  
3 the honor of being the state capital;

4 (2) all Montana citizens, regardless of age, be  
5 encouraged to participate in the selection of Montana's  
6 state capital;

7 (3) the primary and general election ballots be  
8 counted by a credible committee appointed by Anaconda City  
9 Manager Gene Vukovich and Helena Mayor Russ Ritter, and that  
10 the committee include a representative from each community  
11 involved in the election;

12 (4) libations for the committee during the long  
13 evening of vote counting be the responsibility of the Helena  
14 and Anaconda Centennial Committees, with Mr. Vukovich  
15 presiding over hospitality and Mr. Ritter presiding over  
16 ballot counting;

17 (5) the people be allowed to cast votes in the general  
18 election held on November 6, 1989, for one of the two  
19 communities receiving the largest number of votes in the  
20 primary election;

21 (6) an election judge be appointed by the Legislature  
22 if there is any question as to the integrity of the  
23 election;

24 (7) in the event that a community other than Helena is  
25 selected as capital city, that city shall:

1 (a) demonstrate its willingness to accept the honor by  
2 supplying the City Commission of Helena with a proposal  
3 delineating acceptable monetary compensation to the City of  
4 Helena for the loss of employment, the loss of incumbent  
5 revenues generated through taxation and fees assessed  
6 against state employees, and the hardship wrought upon  
7 secondary and other industries, businesses, and individuals  
8 that will be affected by relocation of state offices,  
9 agencies, and buildings. A certified check in an amount  
10 determined by the Commission must be presented to the Mayor  
11 of Helena by midnight, November 6, 1989.

12 (b) demonstrate its compassion for each state employee  
13 whose livelihood may be negatively affected by relocation  
14 from Helena by offering an "early retirement" program that  
15 provides a pension equal to the employee's current annual  
16 salary for a period of 30 years, at which time the normal  
17 state retirement compensation must be paid. The same offer  
18 must be made to owners and employees of other Helena  
19 businesses that choose not to relocate.

20 (c) deliver to the Secretary of State by 5 p.m.,  
21 November 7, 1989, an insurance policy or bond in an amount  
22 equal to 30 times the annual salary of 82.7% of the total  
23 number of state employees, which is the percentage of state  
24 employees based in Helena;

25 (d) recognize its responsibility to the financial

1 health of the entire state by guaranteeing in a notarized  
2 letter of intent, signed by the corporate executive officers  
3 of private businesses, that new private sector businesses  
4 shall occupy all office space vacated by the transfer of  
5 state personnel;

6 (e) affirm its commitment to Montana's future by  
7 designing at its own expense a new "Capitol Complex" within  
8 its borders and by constructing buildings of modern design  
9 of the finest materials to acknowledge the value of state  
10 government to future generations. Building plans and  
11 designs must be presented to the Governor for approval no  
12 later than November 8, 1989.

13 (f) have the option, after the election, to  
14 respectfully decline the honor and negotiate with the Helena  
15 Centennial Committee for a permanent acknowledgment of the  
16 election results. A suitable commemoration must be presented  
17 to the community that received the majority of votes cast at  
18 the election, and a gala reconciliation party must be hosted  
19 by the community that received fewer votes within 30 days of  
20 the election, at a site to be chosen by that community.

21 BE IT FURTHER RESOLVED:

22 (1) That normal balloting procedures provided in Title  
23 13, MCA, be temporarily suspended, and that the centennial  
24 committee of each community be authorized to determine the  
25 procedures for registering eligible voters, distributing

1 ballots, and determining polling sites and times for the  
2 primary election to be held April 1, 1989, and the general  
3 election to be held November 6, 1989.

4 (2) That ballots for both the primary and general  
5 elections be sold at a rate determined by the centennial  
6 committee in each community as a fair and honest fee that is  
7 representative of the actual value of the vote in each  
8 community.

9 (3) That revenue generated through the creative and  
10 dedicated efforts of the centennial committees remain under  
11 the jurisdiction of each committee to fund projects held to  
12 promote the Centennial of the State of Montana.

-End-

APPROVED BY COMM.  
ON LEG. ADMIN.

SENATE JOINT RESOLUTION NO. 3  
INTRODUCED BY RASMUSSEN, PIPINICH, BLOTKAMP,  
MAZUREK, HARPER

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA AUTHORIZING THE MONTANA CENTENNIAL COMMISSION ON APRIL 1, 1989, TO DECLARE THE 1894 CAPITAL CITY ELECTION BETWEEN ANACONDA AND HELENA VOID; SCHEDULING A SPECIAL ELECTION IN CONJUNCTION WITH THE 1989 CENTENNIAL CELEBRATION TO ALLOW THE PEOPLE OF MONTANA TO CHOOSE A PERMANENT MONTANA CAPITAL; AND PROVIDING FOR THE TEMPORARY SUSPENSION OF MONTANA VOTING STATUTES.

WHEREAS, at the time of ratification of the 1889 Montana Constitution, two state Legislatures existed, each claiming to be the legitimate state legislative body; and

WHEREAS, in the wake of the confusion following these chaotic legislative assemblages, the City of Helena was named the "temporary capital" of Montana; and

WHEREAS, when none of the seven cities on the 1892 ballot received a majority of votes to be named the permanent capital, a runoff election was scheduled for 1894 between the two top contenders, Helena and Anaconda; and

WHEREAS, two "copper kings" became involved, with the founder of Anaconda, Marcus Daly, supporting Anaconda's bid

and his political archrival, William A. Clark, backing the bid of Helena; and

WHEREAS, for 94 years Anaconda has consistently alleged that Clark secured the capital for Helena by chicanery, skullduggery, bribery, and corruption, contending, among other things, that Clark hired 250 men to work in Plains, where there was no work, in an effort to buy votes for Helena; and

WHEREAS, for 94 years Anaconda has maintained that feloniously fraudulent practices precipitated its loss by 1,906 votes and has cited glaring evidence establishing that while Montana had only 51,000 registered voters in 1894, 55,000 votes were tallied and validated; and

WHEREAS, the cornerstone of the Bill of Rights is the premise guaranteeing the people the fundamental right to petition the government for redress if an individual or group has been rendered an injustice.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That because the fairminded citizens of Helena cannot live with themselves if such an injustice has indeed been perpetrated, it is fitting and proper that:

(1) this alleged wrong be redressed by authorizing the Montana Centennial Commission to declare the 1894 capital

1 city election between Anaconda and Helena void and by  
2 holding an open primary election on April ~~1~~ JUNE 1, 1989, in  
3 which all Montana communities may be entered as contestants  
4 for the honor of being the state capital;

5 (2) all Montana citizens, regardless of age, be  
6 encouraged to participate in the selection of Montana's  
7 state capital;

8 (3) the primary and general election ballots be  
9 counted by a credible committee appointed by Anaconda City  
10 Manager Gene Vukovich and Helena Mayor Russ Ritter, and that  
11 the committee include a representative from each community  
12 involved in the election;

13 (4) libations for the committee during the long  
14 evening of vote counting be the responsibility of the Helena  
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16 presiding over hospitality and Mr. Ritter presiding over  
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18 (5) the people be allowed to cast votes in the general  
19 election held on November 6, 1989, for one of the two  
20 communities receiving the largest number of votes in the  
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22 (6) an election judge be appointed by the Legislature  
23 if there is any question as to the integrity of the  
24 election;

25 (7) in the event that a community other than Helena is

1 selected as capital city, that city shall:

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4 delineating acceptable monetary compensation to the City of  
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6 revenues generated through taxation and fees assessed  
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8 secondary and other industries, businesses, and individuals  
9 that will be affected by relocation of state offices,  
10 agencies, and buildings. A certified check in an amount  
11 determined by the Commission must be presented to the Mayor  
12 of Helena by midnight, November 6, 1989.

13 (b) demonstrate its compassion for each state employee  
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16 provides a pension equal to the employee's current annual  
17 salary for a period of 30 years, at which time the normal  
18 state retirement compensation must be paid. The same offer  
19 must be made to owners and employees of other Helena  
20 businesses that choose not to relocate.

21 (c) deliver to the Secretary of State by 5 p.m.,  
22 November 7, 1989, an insurance policy or bond in an amount  
23 equal to 30 times the annual salary of 82.7% of the total  
24 number of state employees, which is the percentage of state  
25 employees based in Helena;

1 (d) recognize its responsibility to the financial  
 2 health of the entire state by guaranteeing in a notarized  
 3 letter of intent, signed by the corporate executive officers  
 4 of private businesses, that new private sector businesses  
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 8 designing at its own expense a new "Capitol Complex" within  
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