

**State of Montana
Office of the Governor**

Executive Order No. 32-2008

**EXECUTIVE ORDER PROCLAIMING AN EMERGENCY
TO EXIST AT THE ARMED FORCES RESERVE CENTER IN BILLINGS**

WHEREAS, on May 1, 2008, at 6:30 a.m., staff at the Armed Forces Reserve Center (AFRC) in Billings (a state owned building) discovered 12 inches of mud and water dispersed throughout the 1st floor of the building; and

WHEREAS, investigation revealed that the source of the flood damage was a broken water main(s) beneath the building; and

WHEREAS, extensive repair of the building will be needed, but the immediate priority is emergency repair for the less damaged areas of the facility, so that displaced employees have viable work space; and

WHEREAS, the damage caused by the flood is covered by the state's insurance policies, so emergency spending authority is not required; and

WHEREAS, the Billings AFRC is a strategic defense installation occupied by 45 full-time staff and up to 400 reserves on weekends, providing emergency response to Montana and the United States, who currently are generally unable to occupy the building; and

WHEREAS, absent a declaration of emergency and suspension of certain statutes, Montana law (found at Title 18, chapter 2, MCA) would require three weeks of advertising, along with competitive bid requirements, before the emergency repair work could be conducted, and it is estimated this would delay implementation of the work for 3-4 months; and

WHEREAS, it is anticipated that suspension of the advertising and competitive bid requirements would allow the initial phase of the work to be contracted immediately and completed in approximately four weeks; and

WHEREAS, once the initial phase of the work is completed, the full-time staff and the reserves will be able to utilize the building and access the strategic defense systems; and

WHEREAS, the Departments of Military Affairs and Administration expect to follow the advertising and competitive bid requirements of Title 18, chapter 2, MCA, for the non-emergency, subsequent phases of the work; and

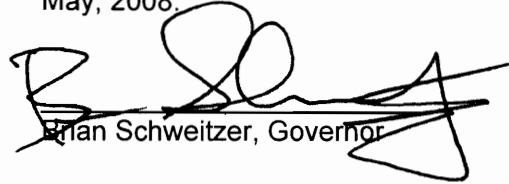
WHEREAS, under § 10-3-104, MCA, in the event of a declaration of a state of emergency, the Governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business if the strict compliance with the provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, under § 18-2-102, MCA, the Governor may authorize the emergency repair or alteration of a building.

NOW, THEREFORE, I, BRIAN SCHWEITZER, Governor of the State of Montana, by virtue of the authority vested in me under the laws and the Constitution of the State of Montana, do hereby declare that an emergency exists, within the meaning of §§ 10-3-103 and 18-2-102, MCA, as a result of the flood damage to the AFRC in Billings, and do hereby suspend the applicability of the competitive bid and advertising statutes and any other regulatory statutes prescribing procedures for the repair of the work found in Title 18, chapter 2, MCA, for purposes of conducting the initial phase of the work to the less damaged areas of the facility in order that the displaced employees and reserves can return to their place of work and training expeditiously, except that the provisions of Montana's prevailing wage statutes, contained in Title 18, chapter 2, part 4, MCA are not suspended.

This order is effective May 1, 2008.

Given under my hand and the
Great Seal of the State of
Montana this 1st day of
May, 2008.



Brian Schweitzer, Governor

ATTEST:



Brad Johnson, Secretary of State
deputy