

CHAPTER 58

(Senate Bill 118)

AN ACT to add a new Section 33 to Article 16A of the Annotated Code of Maryland (1957 Edition), title "Civil Defense" (said Article having been added to the Annotated Code by legislation enacted by the General Assembly of Maryland of 1962), said new Section 33 to follow immediately after Section 32 thereof and to be under the new sub-title "Emergency Powers of Administration", providing that a board of county commissioners or county council may make emergency appointments to fill certain offices in certain municipal corporations of this State in the event of any military or warlike catastrophe, relating generally to the powers and procedures for making such appointments, providing that the Governor may exercise certain executive and administrative powers of these municipal governments until such time as these vacancies are filled; and providing that these powers are effective only during the period covered by an official proclamation of the Governor declaring the existence of a civil defense emergency or disaster area, actual or threatened.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That a new Section 33 be and it is hereby added to Article 16A of the Annotated Code of Maryland (1957 Edition), title "Civil Defense" (said Article having been added to the Annotated Code by legislation enacted by the General Assembly of Maryland of 1962), said new Section 33 to follow immediately after Section 32 thereof, to be under the new sub-title "Emergency Powers of Administration", and to read as follows:

Emergency Powers of Administration

33. (a) *If, by reason of any military or warlike catastrophe, the Mayor or comparable official of the Town Council or comparable body, or any of them, of any municipal corporation covered by the provisions of Article 11E of the Constitution of Maryland, are killed, or are sick, incapacitated, missing, or otherwise unavailable for either a temporary or an indefinite period, with the result that for a temporary or an indefinite period the municipal government is unable to fill the vacancies so created, the board of county commissioners or county council of the county in which the municipal corporation is located may appoint for a temporary or indefinite period a person or persons to fill the vacancy or vacancies thus existing. If the vacancies are in a municipal corporation located in more than one county, the board of county commissioners or county council of any one of the counties in which part of the municipal corporation is located may make the appointments; or the counties by agreement may collaborate in the appointments. Insofar as possible, each of the appointees shall have the qualifications required for the particular office to which he is appointed. During the tenure of any such appointee, he possesses and may exercise the powers and prerogatives of regularly elected officers in such positions. Each appointee shall continue to hold office during the incapacity or unavailability of the officer whose position he was appointed to fill, or until the position is filled by the regular election and qualification of a successor.*