

are certified by the County Welfare Board as eligible for payment of cost of care by the County, pursuant to Rule 900 of the Manual of the State Department of Public Welfare.

Section 2. Section 89-59, Chapter 89, titled "Hospitals, Sanitariums, Nursing and Care Homes," of the Montgomery County Code 1965, is hereby repealed and re-enacted, with amendments, to read as follows:

89-59. Non-contract hospitals.

The County is further authorized from time to time to pay cost of care of residents of the County eligible under Section 89-56 at hospitals with which the County does not have a contract for care, for emergency admissions, for treatment not obtainable at a contract hospital, or for other necessary reasons; provided, that such payment shall not exceed the hospital's audited cost per patient day; and, provided further, that such payment shall in no event be more than seventeen dollars per patient day.

Section 3. Severability.

The provisions of this Act are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances such illegality invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Act or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Act would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person or circumstances to which the Act or any part thereof is inapplicable had been specifically exempted therefrom.

Section 4. Effective date.

This Act shall take effect on December 7, 1970.

Chapter 26 (Bill No. 21-70)

An Act to amend Chapter 113, titled "Elm Disease," of the Montgomery County Code 1965, by repealing and re-enacting with amendments, Section 113-6, titled "Same—Failure of owner to comply with notice," and Section 113-7, titled "Same—Right of aggrieved persons to hearing before Board of Appeals," to authorize the County to cause removal of diseased trees upon failure of owner to comply with notice to appear before County Forester and to provide that the County not proceed with enforcement during the period within which an appeal to the Board of Appeals may be taken.

Be It Enacted by the County Council for Montgomery County, Maryland, that—

Section 1. Section 113-6, Chapter 113, titled "Elm Disease" of the Montgomery County Code 1965, is hereby repealed and re-enacted, with amendments to read as follows:

113-6. Same—Failure of owner to comply with notice.

Upon failure of the owner to comply with the provisions of the notice, the County shall cause the tree described in such notice to be removed