

been included therein, and if the person or circumstances to which the act or any part thereof is inapplicable had been specifically exempted therefrom.

SEC. 5. This Act shall take effect on the 76th day following the date on which it becomes Law.

Effective: May 3, 1971

CHAPTER 44

(BILL NO. 67-70)

AN ACT to add new Section 2-22B to Chapter 2, Montgomery County Code 1965, title "Administration," subtitle "Article II. Powers of Council—Generally," to be subheaded "Same-Continuity of Government," to follow immediately after Section 2-22A thereof, so as to provide for the assumption of the powers and duties of elective and appointive public officials by emergency interim successors during a proclaimed period of public emergency; to provide for the recording and publication of designations of emergency interim successors; to provide for the accomplishment of the formalities of the assumption of powers and duties in the case of such emergency interim successors; and to provide for the suspension of certain provisions of the Charter of Montgomery County in accordance with Section 501 thereof.

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

SEC. 1. Section 2-22B, title "Same-Continuity of Government," be and it is hereby added to Chapter 2, title "Administration," of the Montgomery County Code 1965, to follow immediately after Section 2-22A thereof, and to read as follows:

2-22B. Same—Continuity of Government.

(a) Definitions.

1. "Unavailable" shall mean either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the local incumbent of the office and his duly authorized deputy or deputies are absent or unable, for physical, mental, or legal reasons, to exercise the powers and discharge the duties of the office; except that no member of the County Council shall be "unavailable" until declared to be "unavailable" by a resolution of the County Council passed by a majority of the Council members present and voting.

2. "Public emergency" is as defined in Section 2-22A (a) 1.