

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, §§ 2-102 and 2-101(g).

Defined term: "Person" § 1-101

GENERAL REVISOR'S NOTE TO SUBTITLE:

Former Art. 41, § 2-101(h), which declared that the provisions of former Title 2, Subtitle 1 of Article 41 were severable, is deleted as unnecessary. Article 1, § 23 states that the provisions of statutes enacted after July 1, 1973, are severable unless the statute specifically provides that they are not. Since the Public Safety Article was enacted after July 1, 1973, a severability clause is unnecessary in this subtitle.

SUBTITLE 4. OTHER EMERGENCY POWERS AND PROVISIONS.

14-401. "LOCAL GOVERNING BODY" DEFINED.

IN THIS SUBTITLE, "LOCAL GOVERNING BODY" MEANS:

- (1) A BOARD OF COUNTY COMMISSIONERS;
- (2) A COUNTY COUNCIL; OR
- (3) THE MAYOR AND CITY COUNCIL OF BALTIMORE.

REVISOR'S NOTE: This section is new language added to avoid repetition of the complete phrase "board of county commissioners or county council or Mayor and City Council of Baltimore City".

Defined term: "County" § 1-101

14-402. MAJORITY OF LOCAL GOVERNING BODY KILLED, SICK, OR UNAVAILABLE.

(A) PERIOD OF APPLICABILITY.

THE POWERS IN THIS SECTION MAY BE EXERCISED ONLY DURING THE EFFECTIVE PERIOD OF AN OFFICIAL PROCLAMATION BY THE GOVERNOR THAT DECLARES ALL OR PART OF THE COUNTY TO BE IN AN ACTUAL OR THREATENED EMERGENCY AREA.

(B) AUTHORITY OF GOVERNOR TO EXERCISE POWERS OF LOCAL GOVERNING BODY.

IF A MAJORITY OF THE MEMBERS OF THE LOCAL GOVERNING BODY OF A COUNTY ARE KILLED OR ARE SICK, INCAPACITATED, MISSING, OR OTHERWISE UNAVAILABLE FOR A TEMPORARY OR INDEFINITE PERIOD BECAUSE OF A MILITARY OR WARLIKE CATASTROPHE, THE GOVERNOR MAY EXERCISE THE ADMINISTRATIVE AND EXECUTIVE POWERS OF THAT LOCAL GOVERNING BODY UNTIL THE NUMBER OF MEMBERS OF THE LOCAL GOVERNING BODY SUFFICIENT TO OPERATE THE COUNTY GOVERNMENT ARE APPOINTED AND QUALIFY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 16A, § 32.