

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, the lack of an express provision establishing the number of members who constitute a quorum. Case law indicates that, absent an express provision, a majority of the members is a quorum. See Gemeny v. Prince George's County, 264 Md. 85, 285 A.2d 602 (1972); Zeiler v. Central Ry., 84 Md. 304, 35 A. 932 (1896); and Heiskell v. Mayor of Baltimore, 65 Md. 125, 4 A. 116 (1886).

The Committee also notes the absence of rulemaking authority.

Defined term: "Board" § 10-201

10-210. STAFF.

(A) IN GENERAL.

THE FUND SHALL HAVE A STAFF IN ACCORDANCE WITH THE STATE BUDGET.

(B) DIRECTOR.

(1) THE BOARD SHALL APPOINT A DIRECTOR FOR THE FUND.

(2) THE DIRECTOR IS ENTITLED TO THE SALARY PROVIDED IN THE STATE BUDGET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 66(7)(a) and (8)(d).

In subsection (a) of this section, the former word "employees" is deleted as unnecessary in light of the word "staff".

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that former Art. 101, § 66(7)(a) specifically required the "Fund" to have staff, although former Art. 101, § 66(8)(d) required the Board to appoint the Director. The title of Ch. 142, Acts of 1982, which enacted former § 66, indicated that the Act provided for staff of the "Board". The General Assembly may wish to clarify the employing unit. Compare §§ 10-113 and 10-309 of this title.

The Committee also notes that, while former Art. 101, § 66(8)(d) created the position of "Director for the Fund", elsewhere the Director was referred to as, e.g., "the Director of the Subsequent Injury Fund". Throughout this subtitle, the position is consistently referred to as the "Director for the Fund". However, the General Assembly may wish to consider the appropriate title for this position.

Defined terms: "Board" § 10-201

"Fund" § 10-201