

# SENATE BILL 108

P2

5lr1461

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By: **Senator Conway**

Introduced and read first time: January 26, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement – Maryland State Board of Contract Appeals –**  
3 **Membership**

4 FOR the purpose of altering the membership of the Maryland State Board of Contract  
5 Appeals; requiring the membership of the Appeals Board to reasonably reflect the  
6 geographic, racial, ethnic, cultural, and gender diversity of the State; specifying that  
7 at least one member of the Appeals Board have expertise concerning certain  
8 preferences under the procurement law; requiring that certain members of the  
9 Appeals Board be licensed to practice law in this State; and generally relating to the  
10 membership of the Maryland State Board of Contract Appeals.

11 BY repealing and reenacting, with amendments,  
12 Article – State Finance and Procurement  
13 Section 15–207  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2014 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – State Finance and Procurement**

19 15–207.

20 (a) The Appeals Board consists of [3] **FIVE** members appointed by the Governor  
21 with the advice and consent of the Senate.

22 (b) **(1)** Each member of the Appeals Board shall:

23 **[(1)] (I)** be qualified to serve in a quasi–judicial capacity; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                    [(2)] (II) have a thorough knowledge of procurement practices and  
2 processes.

3                    (2) AT LEAST TWO MEMBERS OF THE APPEALS BOARD SHALL BE  
4 LICENSED TO PRACTICE LAW IN THIS STATE.

5                    (3) AT LEAST ONE MEMBER OF THE APPEALS BOARD SHALL HAVE  
6 EXPERTISE IN PROCUREMENT MATTERS CONCERNING MINORITY BUSINESS  
7 ENTERPRISES, SMALL BUSINESS ENTERPRISES, VETERAN-OWNED SMALL BUSINESS  
8 ENTERPRISES, AND ANY OTHER PROCUREMENT PREFERENCES ESTABLISHED  
9 UNDER STATE LAW.

10                    (4) THE APPEALS BOARD SHALL REASONABLY REFLECT THE  
11 GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.

12                    (c) Before taking office, each appointee to the Appeals Board shall take the oath  
13 required by Article I, § 9 of the Maryland Constitution.

14                    (d) (1) The term of a member is 5 years.

15                    (2) The terms of members are staggered as required by the terms provided  
16 for members of the Appeals Board on October 1, 1988.

17                    (3) At the end of a term, a member continues to serve until a successor is  
18 appointed and qualifies.

19                    (4) A member who is appointed after a term has begun serves only for the  
20 rest of the term and until a successor is appointed and qualifies.

21                    (e) The Governor may remove a member of the Appeals Board for cause.

22                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2015.