

SENATE BILL 108

P2

5lr1461

By: **Senator Conway**

Introduced and read first time: January 26, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

State Finance and Procurement – Maryland State Board of Contract Appeals – Membership

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

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

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

Article – State Finance and Procurement

15–207.

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

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

[(1)] (1) be qualified to serve in a quasi-judicial capacity; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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