

Chapter 741

(House Bill 1254)

AN ACT concerning

Maryland State Board of Contract Appeals – ~~Positions~~ Board Members and Law Clerks

FOR the purpose of increasing the number of members of the Maryland State Board of Contract Appeals; clarifying the number of Appeals Board members required for an appeal; requiring the ~~Maryland State Board of Contract Appeals~~ Appeals Board to employ a certain number of law clerks; providing that the Appeals Board has at least a certain number of staff positions more than the number of staff positions authorized in a certain fiscal year; providing for the expiration of the initial terms of certain members of the Appeals Board; and generally relating to the members and staff of the Maryland State Board of Contract Appeals.

BY repealing and reenacting, with amendments,
 Article – State Finance and Procurement
 Section 15-207 and 15-209
 Annotated Code of Maryland
 (2021 Replacement Volume)

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

Article – State Finance and Procurement15-207.

(a) (1) The Appeals Board consists of [3] 6 members appointed by the Governor with the advice and consent of the Senate.

(2) AN APPEAL BEFORE THE APPEALS BOARD SHALL BE HEARD BY A PANEL OF NOT MORE THAN 3 MEMBERS DESIGNATED BY THE CHAIRMAN.

(b) Each member of the Appeals Board shall:

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

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

(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.

15–209.

(a) Each member of the Appeals Board shall devote full time to the duties of office.

(b) Each member of the Appeals Board is entitled to:

(1) compensation in accordance with the State budget; and

(2) reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(c) **(1) [The] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE Appeals Board may employ a staff in accordance with the State budget.**

(2) THE APPEALS BOARD SHALL HAVE AT LEAST THREE MORE POSITIONS THAN THE NUMBER OF POSITIONS AUTHORIZED IN FISCAL YEAR 2022.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE APPEALS BOARD SHALL EMPLOY AT LEAST THREE LAW CLERKS.

(II) THE APPEALS BOARD SHALL EMPLOY:

1. AT LEAST ONE LAW CLERK WHO IS A GRADUATE OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW;

2. AT LEAST ONE LAW CLERK WHO IS A GRADUATE OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW; AND

3. AT LEAST ONE LAW CLERK WHO IS A GRADUATE OF HOWARD UNIVERSITY SCHOOL OF LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 15-207(d) of the State Finance and Procurement Article, the initial terms of the 3 additional members appointed to the Maryland State Board of Contract Appeals in accordance with § 15-207(a) of the State Finance and Procurement Article, as enacted by this Act, shall expire as follows:

- (1) one member in 2024;
- (2) one member in 2025; and
- (3) one member in 2027.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.