

~~CONTRACTOR IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION IF THE APPEALS BOARD FINDS THAT, IN PROCESSING OR RENDERING A DECISION UNDER A CONTRACT CLAIM, OR IN PROVIDING PARTIAL PAYMENT UNDER A CONTRACT FOR CONSTRUCTION AS REQUIRED UNDER § 15-219(E) OF THIS SUBTITLE, THE PROCUREMENT OFFICER OR OTHER RESPONSIBLE AGENCY PERSONNEL'S ACTION WAS SO ARBITRARY OR CAPRICIOUS, FRAUDULENT, OR GROSSLY ERRONEOUS AS TO NECESSARILY IMPLY BAD FAITH.~~

~~(2) A PENALTY PAYMENT AWARDED UNDER THIS SECTION MAY NOT EXCEED 100% OF THE AMOUNT.~~

~~(1) AWARDED TO THE CONTRACTOR BY THE APPEALS BOARD ON THE CONTRACT CLAIM;~~

~~(H) THAT SHOULD HAVE BEEN PAID UNDER § 15-219(E) OF THIS SUBTITLE IF THE APPEALS BOARD FINDS THAT THE BAD FAITH EXTENDED SOLELY TO THE ISSUE OF PARTIAL PAYMENT AS REQUIRED UNDER THAT SUBSECTION.~~

~~(B) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A PENALTY PAYMENT AWARDED UNDER A DECISION BY THE APPEALS BOARD SHALL ACCRUE INTEREST UNTIL THE DAY ON WHICH THE PENALTY IS PAID.~~

~~(2) THE RATE OF INTEREST UNDER THIS SECTION SHALL BE THE RATE OF INTEREST ON JUDGMENTS AS PROVIDED UNDER § 11-107(A) OF THE COURTS ARTICLE.~~

~~(3) IF A PENALTY IS REDUCED AS A RESULT OF A JUDICIAL REVIEW OF THE DECISION OF THE APPEALS BOARD, INTEREST SHALL BE PAID ONLY ON THE REDUCED PENALTY.~~

~~(C) IF THE AGENCY RESPONSIBLE FOR A PENALTY AWARDED UNDER THIS SECTION LACKS ADEQUATE FUNDS TO PAY THE PENALTY, THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL AN AMOUNT THAT IS ADEQUATE TO SATISFY, AFTER THE EXHAUSTION OF THE RIGHTS OF APPEAL, THE PENALTY AND INTEREST THAT IS RENDERED AGAINST THE AGENCY.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1996.

Approved May 23, 1996.

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**CHAPTER 683**

**(House Bill 414)**

AN ACT concerning

**Election Laws – Board of Supervisors of Elections – Employees – Residency**

FOR the purpose of repealing the requirement that each employee of a local board of supervisors of elections be a resident of the county where the board is located; and