

SENATE BILL 978

E4

7lr3045
CF 7lr2999

By: **Senator Edwards**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – State Fire Marshal – Appointment and Term**

3 FOR the purpose of repealing a requirement that the Secretary of State Police appoint the
4 State Fire Marshal; requiring that the Governor appoint the State Fire Marshal with
5 the advice and consent of the Senate; reducing the term that the State Fire Marshal
6 serves and requiring that the term of the State Fire Marshal correspond with the
7 term of the Governor; providing that the Governor, rather than the Secretary of State
8 Police, has authority to remove the State Fire Marshal under certain circumstances
9 after following certain procedures; making a conforming change; establishing that
10 the term of a certain State Fire Marshal will expire on a certain date; and generally
11 relating to the State Fire Marshal.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 6–302
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2016 Supplement)

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

19 **Article – Public Safety**

20 6–302.

21 (a) The [Secretary] **GOVERNOR** shall appoint, **WITH THE ADVICE AND**
22 **CONSENT OF THE SENATE**, a State Fire Marshal from a list of three names submitted by
23 the Commission.

24 (b) The State Fire Marshal shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) be a graduate of an accredited college or university; and

2 (2) have 5 years of recent progressively responsible experience, at least 3
3 years of which shall have been at the administrative level, in fire prevention inspection,
4 fire investigation, fire safety promotion, fire protection engineering, fire fighting, or
5 teaching fire safety engineering.

6 (c) The State Fire Marshal serves for a term of [6] 4 years, **CORRESPONDING**
7 **WITH THE TERM OF OFFICE OF THE GOVERNOR.**

8 (d) The State Fire Marshal is in the executive service of the State Personnel
9 Management System.

10 (e) (1) At any time, the [Secretary] **GOVERNOR** may remove the State Fire
11 Marshal for neglect of duty or other conduct unbecoming the office.

12 (2) The Commission may recommend to the [Secretary] **GOVERNOR** that
13 the State Fire Marshal be removed for cause.

14 (3) (i) Before removing the State Fire Marshal, the [Secretary]
15 **GOVERNOR** shall give the State Fire Marshal:

16 1. timely notice with a statement of the charges; and

17 2. an opportunity for a public hearing on the charges.

18 (ii) The State Fire Marshal may be represented at the hearing by
19 counsel.

20 (f) The State Fire Marshal is entitled to the salary provided in the State budget.

21 **SECTION 2. AND BE IT FURTHER ENACTED,** That the term of the State Fire
22 Marshal who is in office on the effective date of this Act shall expire at the end of January
23 15, 2019.

24 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
25 October 1, 2017.