

# HOUSE BILL 1380

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CF SB 978

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By: **Delegates Beitzel, Arentz, Buckel, Ghrist, Jacobs, Otto, Rose, and Shoemaker**  
Introduced and read first time: February 10, 2017  
Assigned to: Judiciary

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## 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:

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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.