



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 910

PRINTERS NO. 1105

PRIME SPONSOR: Harper

COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
Incorporated Town Funds	\$0	\$0

SUMMARY: Amends Act 35 of 1953 (relating to incorporated towns) regarding removal of elected officers. This legislation would take effect in 60 days.

ANALYSIS: This legislation removes Section 2 of the law relating to incorporated towns that allows town councils to remove an elected town council member or town council president for failure to attend two successive regular meetings or other specified circumstances.

Under the legislation, any town officer, whether elected or appointed to fill a vacancy in elective office, will be removable from office only:

- by impeachment, or
- by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or
- upon conviction of misbehavior in office, or
- upon conviction of any infamous crime.

A person's title to office (whether the person has the qualifications to hold the office) may still be tried by proceedings of quo warranto (i.e., a legal proceeding during which an individual's right to hold an office or governmental privilege is challenged).

This legislation also provides that if the electors fail to choose a mayor, or if the mayor neglects or refuses to serve, or if there is a vacancy in the office, a majority of the council members may appoint a successor who is a registered voter within 30 days after the vacancy occurs.

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FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth or incorporated town funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: June 16, 2015

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.