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COMMITTEE REPORT

HOUSE

2/4/81

FURTHER:

(5)

Date: 2-25-81

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 64

"An Act relating to the Alaska Energy Center; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for H 864  same title  
 new title
- and recommends CS HB 64 DO PASS
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING

DO PASS

[Signature]

[Signature]

[Signature]

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MEMBERS HAVING

OTHER RECOMMENDATIONS:

[Signature]

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[Signature]

CHAIRMAN

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K--STATE CAPITOL  
JUNEAU, ALASKA 9981

465-3600

February 25, 1981

Hon. Mike Miller, Chairman  
House State Affairs Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Re: HB 64, Alaska Energy Center

Dear Mr. Chairman:

You have asked whether the proposed repeal of the provisions of AS 46.12.050 in their entirety will impair either the power of the governor to fill vacancies or the authority of a quorum of the center's board to conduct business when there is a vacancy on the board.

The answer to both questions is no. In the absence of statutory or constitutional provisions to the contrary, the appointing authority -- in this case, the governor -- always has the power to fill a vacancy in an office for the remainder of the term of office. Likewise, absent some provision to the contrary, a quorum of a committee always has the authority to conduct business notwithstanding a vacancy on the committee. Including express authority in a statute is, therefore, unnecessary. Indeed, it tends to create confusion: If express authority to do either is not included in another statute, is one to infer that the authority does not exist? For that reason, we generally recommend that these provisions be omitted.

Sincerely yours,

WILSON L. CONDON  
ATTORNEY GENERAL

By:   
Rodger W. Pegues  
Assistant Attorney General

RWP/pjg