

Answered by letter-Wood

August 29, 1969

OPINION LETTER NO. 178

Honorable Roy L. Carver, Director
Division of Veterans Affairs
Broadway State Office Building
P. O. Drawer 147
Jefferson City, Missouri 65101

Dear Mr. Carver:

In your letter of March 7, 1969, you inquired if a member of the Advisory Committee on Veterans Affairs, duly appointed pursuant to Section 42.055, RSMo Supp. 1967, could appoint an alternate, with full powers, to attend meetings of the Committee in his stead.

The above statute provides that the governor shall appoint the six members of the Committee, by and with the advice and consent of the Senate, for six year terms. It further provides that any vacancy shall be filled by appointment for the unexpired term in the manner of regular appointments and that the governor may remove a member for cause.

We must answer your question in the negative, for "Except as provided in this Constitution, the appointment of all officers shall be made as prescribed by law." (Article VII, Section 7, Constitution of Missouri, 1945). Clearly, the law creating the Veterans Affairs Advisory Committee has prescribed that appointment thereto shall be made by the governor with the advice and consent of the Senate. To allow each duly appointed member to appoint another, even temporarily would, we think, be inconsistent with the manner of appointment prescribed by law.

Yours very truly,

JOHN C. DANFORTH
Attorney General