

State House  
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 1096.

This bill provides for a per diem allowance for chairman and members of the soil conservation committee.

The Attorney General has advised me that this bill violates Article 35, of the Declaration of Rights of the Maryland Constitution, which prohibits holding two offices of profit. A copy of the Opinion of the Attorney General is attached and should be considered a part of this veto message.

For this reason I have decided to veto Senate Bill 1096.

Sincerely,  
Harry Hughes  
Governor

May 24, 1979

Honorable Harry Hughes  
Governor of Maryland  
State House  
Annapolis, Maryland 21401

Re: Senate Bill 1096

Dear Governor Hughes:

We have reviewed Senate Bill 1096 (which provides that the chairman and members of the Soil Conservation Committee "are entitled to a per diem allowance" in addition to any expenses incurred), and have concluded that we cannot approve the bill for constitutionality.

Article 35 of the Declaration of Rights of the Maryland Constitution provides in pertinent part: "That no person shall hold, at the same time, more than one office of profit created by the Constitution or Laws of this State." Section 35 of Article III provides in pertinent part: "the salary or compensation of any public officer [may not] be increased or diminished during his term of office."

Both the Court of Appeals and this office have on many occasions considered whether a position constitutes an "office" and whether said "office" is one "of profit." In