

Furthermore, the Committee is "subject to an annual audit of the accounts of receipts and disbursements by the State Auditor." (8-202). Obviously, these duties constitute an important public charge and service especially in light of the legislative finding that "[t]he soil, water and related resources of the State are among the basic assets of the State and the conservation of these resources is necessary to protect and promote the health, safety, and general welfare of its people. Improper land-use practices cause and contribute to a progressively more serious erosion of the lands of the State by wind and water." Section 8-102. The power and duties conferred upon the Committee call for the exercise of a portion of the sovereign power of government with respect to the expenditure of State funds in implementing a program for the conservation of the State's natural resources.

Although the statutory scheme for the Committee does not require the members to take the constitutional oath of office or to post a bond, the absence of these criteria is not sufficient to negate the existence of a public office where the exercise of sovereignty is found. See, Howard County Comm. v. Westphal, 232 Md. 334 (1963). It is our opinion that a Committee member occupies a public office. However, the prohibitions contained in Article 35 and Article III, Section 35 do not apply to all the members of the Committee.

As a general rule, the constitutional proscription against changing the salary of a public officer during his incumbency applies only to an officer having a fixed and definite term of office and not to appointive officers who hold the office only at the pleasure of the appointing power. 63 Am.Jur.2d §371 "Public Officers and Employees," p. 854. Therefore, while the addition of a per diem allowance constitutes compensation and renders an office one of profit, 61 Opinions of the Attorney General 152 (1976), supra no constitutional question is raised in connection with the compensation of those incumbent members of the Committee who neither serve on the Committee for a fixed term nor hold another public office.^{1/} However, compensated service on the Committee by the President of the Maryland Association of Soil Conservation Districts, who is also a soil conservation district supervisor, and the four soil conservation district supervisors, would violate the Constitution and in our view render the entire bill invalid.

In our April 20, 1979, letter to you concerning Senate Bill 1094, we concluded that the increase in compensation authorized by the bill could not take effect for those soil conservation district supervisors with fixed terms (Agriculture Article, Section 8-302) until the beginning of their new terms. This result was based on the conclusion that for purposes of Article 35 of the Declaration of Rights soil conservation district supervisors hold offices for