



**THE ATTORNEY GENERAL  
OF TEXAS**

**JOHN L. HILL  
ATTORNEY GENERAL**

**AUSTIN, TEXAS 78711**

May 14, 1973

*All Done  
Tyler to Com. of  
560 Dec 31 4.*

Honorable Ed Paynter  
District Attorney  
Taylor County Courthouse  
Abilene, Texas 79602

Opinion No. H-39

Re: Whether the Commissioners  
Court of Taylor County is  
authorized to establish the  
salaries of constables at one  
dollar per year.

Dear Mr. Paynter:

You have requested an opinion of this office on the following question:

"Did the Commissioners Court of Taylor  
County have authority under Article 3912i, §§ 9  
and 9 (2) to set the salaries of constables in  
Taylor County at One Dollar (\$1) per year?"

You present the following factual background for this question:

"At a General Election held in November,  
1968, the Honorable John Thomas was elected  
Constable for Taylor County, Texas for a term  
beginning January 1, 1969, and ending December  
31, 1972. Mr. Thomas assumed such office and  
served the entire term, but did not choose to run  
for re-election. The salary budget during this  
term was \$6,000 per year.

"On December 21, 1971, the Commissioners  
Court of Taylor County met in session with all  
members present and passed a motion that beginning  
January 1, 1973, the salary budget of each of the  
Constables' offices for Taylor County be set at  
One Dollar (\$1) per year.

"At a General Election held in November,  
1972, the Honorable Jake Lee was elected Constable

for Taylor County, Texas, for a term beginning January 1, 1973, and ending December 31, 1976. Mr. Lee has assumed such office and is presently serving in such capacity. His salary is One Dollar (\$1) per year."

Article 3912i, Vernon's Texas Civil Statutes, provides in part:

"Sec. 9. The Commissioners Court shall not be required to fix the salaries in all precincts at equal amounts, but shall have discretion to determine the amount of salaries to be paid each Justice of the Peace and each Constable in the several precincts on an individual basis without regard to the salaries paid in other precincts or to other officials. . . . "

Article 3912k, Vernon's Texas Civil Statutes, provides in part:

"Section 1. Except as otherwise provided by this Act and subject to the limitations of this Act, the commissioners court of each county shall fix the amount of compensation, office expense, travel expense, and all other allowances for county and precinct officials and employees who are paid wholly from county funds, but in no event shall such salaries be set lower than they exist at the effective date of this Act. (Emphasis added)

"Section 8. To the extent that any local, special, or general law, including Acts of the 62nd Legislature, Regular Session, 1971, prescribes the compensation, office expense, travel expense, or any other allowance for any official or employee covered by this Act, that law is repealed.

"Section 9. This Act is effective for salaries, expenses, and allowances paid beginning January 1, 1972."

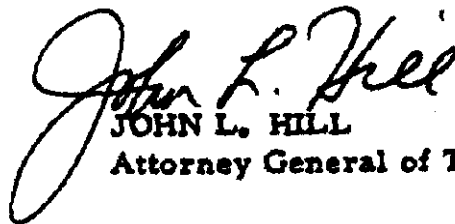
Honorable Ed Paynter, page 3 (H-39)

The minimum salary payable is governed by Article 3912k, Vernon's Texas Civil Statutes. Under the facts you have given us, the salary for a Constable of Taylor County, as it existed on January 1, 1972, was \$6,000 per year, and, to answer your question, the commissioners court may not set the salaries of constables at \$1 per year.

SUMMARY

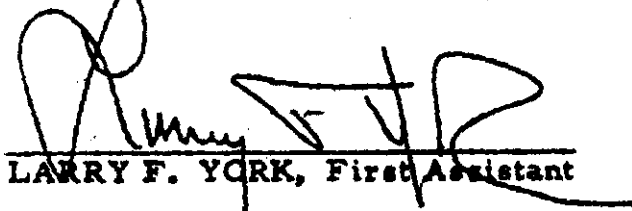
The minimum salary for the Constable of Taylor County is set at the salary existing on January 1, 1972, by Article 3912k, and the commissioners court may not lower it below that figure.

Yours very truly,



JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
LARRY F. YORK, First Assistant  
DAVID M. KENDALL, Chairman  
Opinion Committee