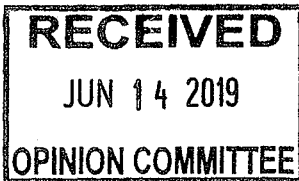


COMMITTEE ON HOMELAND SECURITY & PUBLIC SAFETY

PONCHO NEVÁREZ
CHAIR



DENNIS PAUL
VICE CHAIR



TEXAS HOUSE OF REPRESENTATIVES

June 10, 2019

RQ-0291-KP

FILE # ML-48569-19

I.D. # 48569

Office of the Attorney General
Attn: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548

To Whom it May Concern,

It is my request that an opinion be issued on the matter of handling the wrangling estray livestock in Presidio County. The Presidio County Sheriff, Danny Dominguez, remains under the impression that the responsibility of handling estrays within the county is that of the sheriff department. However, Presidio County Attorney Rod Ponton issued a legal opinion stating that it is his understanding that Presidio County is an open range county in which estray laws do not apply. Mr. Ponton stated that the Presidio County Sherriff's Office and Presidio County as a whole become civilly liable if they continued to handle estray livestock. In addition, Sheriff Dominguez has received a legal opinion from Judge Dan Mills, advisor for the Sherriff's Association of Texas, agreeing with the County Attorney's interpretation of the law. Further legal interpretations state that estray laws are intended to have state-wide implications, regardless of open or closed range status. Former County Attorney John Fowlkes interpreted the laws and statutes in support of the Sherriff's enforcement authority to capture, cost, and return estrays, regardless of Presidio County's open range designation. The County of Presidio seeks a definite answer to the legality of this practice in order to best serve its residents. The constituents in my district remain my top priority, and I am hopeful that with an additional opinion it will provide the county with the clarity necessary to handle this matter. Thank you for your time and consideration.

With kindest regards, I remain,

Capitol: P.O. Box 2910 • Austin, Texas 78768-2910 • Capitol Extension E2.146 • (512) 463-0133

Members: DeWayne Burns, Gina Calanni, Travis Clardy, Vikki Goodwin, Celia Israel, Mike Lang, Tony Tinderholt

Jeff Stokes, Clerk

COMMITTEE ON HOMELAND SECURITY & PUBLIC SAFETY

PONCHO NEVÁREZ
CHAIR



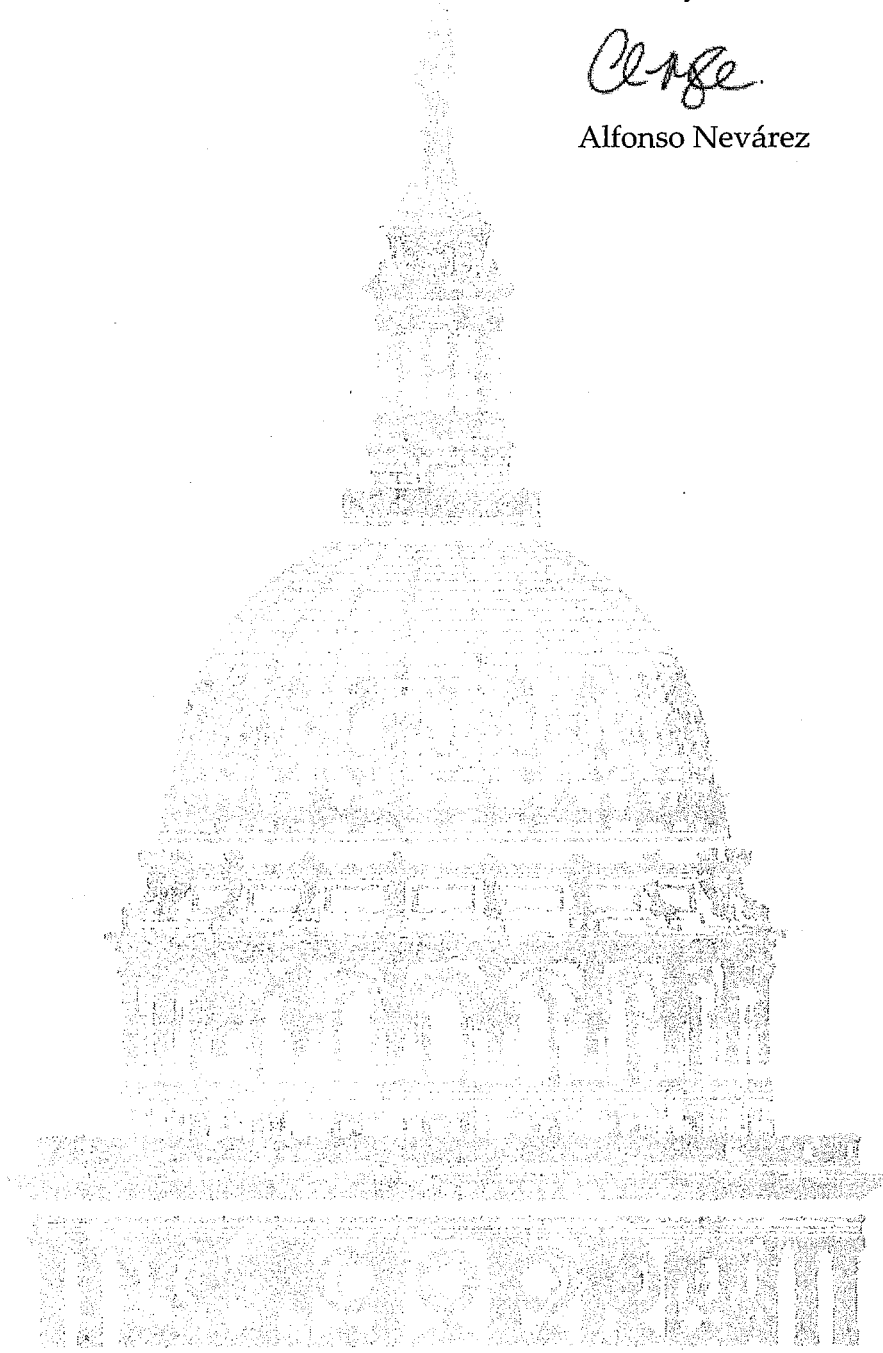
DENNIS PAUL
VICE CHAIR

TEXAS HOUSE OF REPRESENTATIVES

Sincerely,

A handwritten signature in cursive script, appearing to read "Alfonso Nevarez".

Alfonso Nevarez



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Jeff Stokes, Clerk