

MEMORANDUM

TO: Kalyn Laney, Director of Governmental Relations, State Bar of Texas  
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FROM: Roland Love (chair of REPTL Real Estate Legislative review subcommittee)

CC: Eric Reis, REPTL Chair (eric.reis@tklaw.com)  
Reid Carroll Wilson, REPTL Chair-Elect (rwilson@wcglaw.com)  
J. David Dickson, REPTL Immediate Past-Chair (dickson@thetexasfirm.com)  
Jeffrey C. Hopper, REPTL Treasurer (chopper@hoppermikeska.com)

DATE:

RE: Submission of 2020 REPTL Real Estate Legislative Proposal Regarding Property Code  
Updates and Corrections

Item I: Narrative – Section 8.01.06(C)(1), SBOT Policy Manual

The Real Estate, Probate, and Trust Law Section (“REPTL”), proposes to non-substantively correct and update the Texas Property Code. A summary of the bill can be found in the attached Bill Analysis.

Item II: Similar Legislation – Section 8.01.06(C)(2), SBOT Policy Manual

REPTL is unaware of any similar legislation that is being proposed.

Item III: Section and Committee Verification - Section 8.01.06(C)(3), SBOT Policy Manual

The legislative proposal has been submitted to all sections and committees of the State Bar. A copy of the transmittal emails circulating the proposals is attached. No comments have been received to date. Any comments received following this submission will be forwarded with the appropriate response.

Item IV: Statement of Previous Submission - Section 8.01.06(C)(4), SBOT Policy Manual

This proposal has not been introduced in the current form during prior legislative sessions.

Item V: Statement of Known Position by Section or Committee - Section 8.01.06(C)(5), SBOT Policy Manual

REPTL does not believe that this proposal has been considered by any Section or Committee of the State Bar.

## **BILL ANALYSIS**

H.B.

By:

Business & Industry

Committee Report

### **BACKGROUND AND PURPOSE**

The Texas Property Code has been amended many times over the years, and still includes archaic references to old Vernon's Statutes (no longer utilized) and with statutory references to law that has been repealed. This bill non-substantively cleans up incorrect references to Vernon's Statutes and additionally addresses the following:

1. References to the repealed Texas Residential Construction Liability Act Commission; and
2. Inconsistency between Texas Property Code Section 24.011 and the Texas Supreme Court rules for nonlawyer representation in Justice Court cases;

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Sections 1 and 3-6 clean up the Residential Construction Liability Act to delete references to the repealed Texas Residential Construction Act. Section 2 corrects a conflict between the Texas Supreme Court and Texas Property Code Chapter 24 regarding non lawyer representation in Justice Courts and uses the Supreme Court rules which are clearer. Sections 7 – 17 correct references to Vernon's Statutes throughout the Texas Property Code to the appropriate statutory codification, or Code, of the Texas Laws.

### **EFFECTIVE DATE**