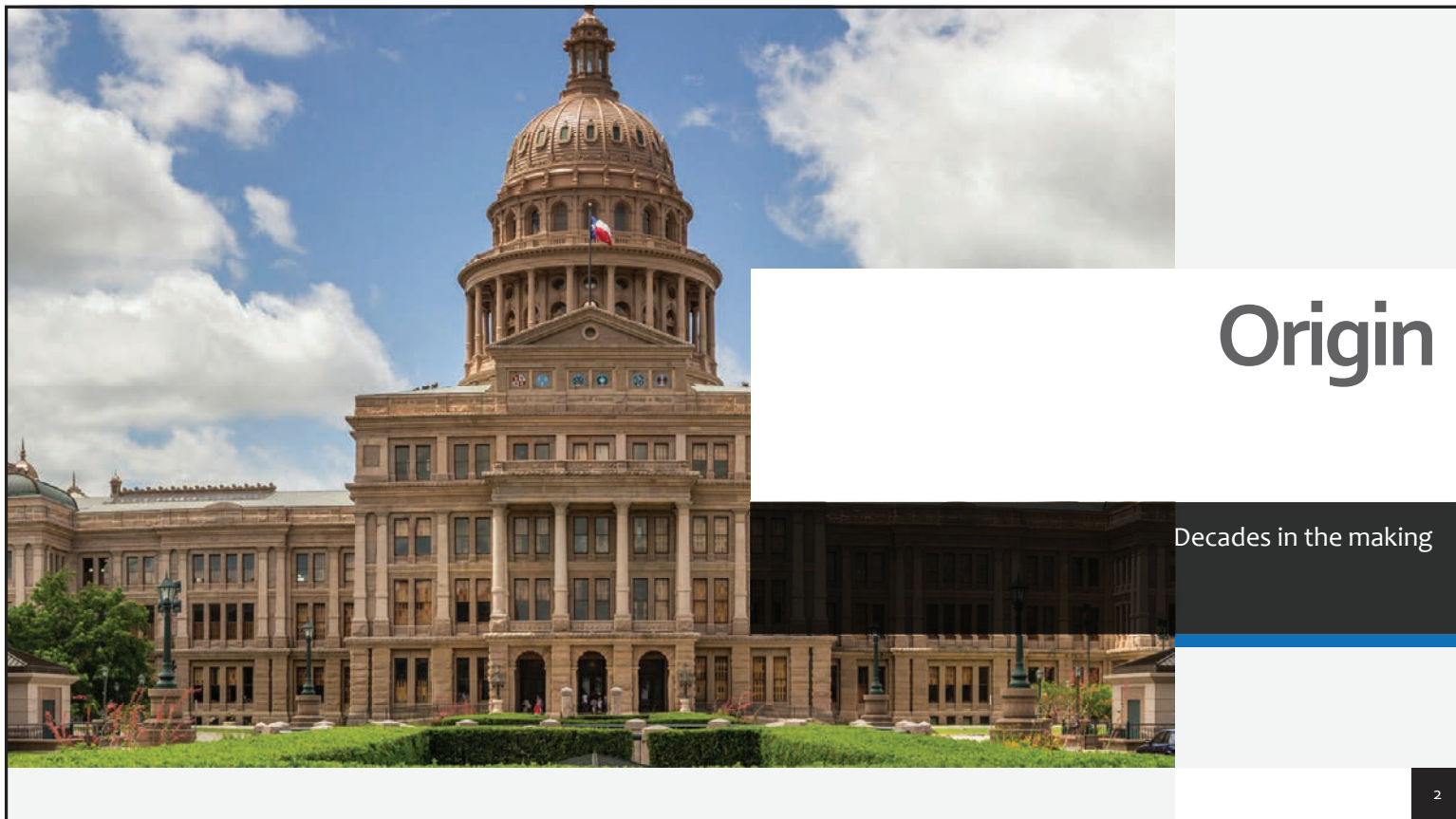




Back to Basics: Administrative Procedure Act

The Texas APA's origin, evolution, and challenges

1



Origin

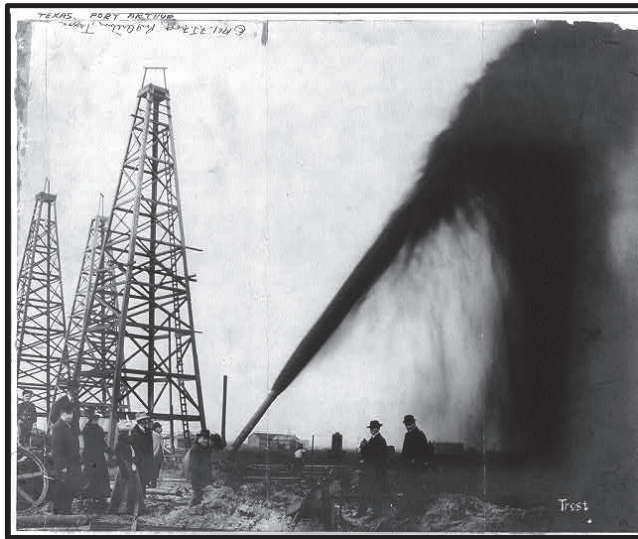
Decades in the making

2

2

Once upon a time...

- Executive branch power—agency power—expanded exponentially both in scope and power.



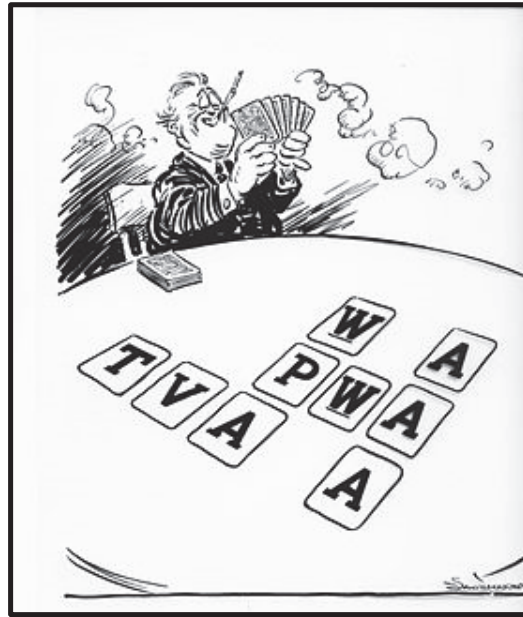
Once upon a time...

- Executive branch power—agency power—expanded exponentially both in scope and power.



Once upon a time...

- Executive branch power—agency power—expanded exponentially both in scope and power.



5

5

The Federal Administrative Procedure Act



- Before WWII federal agencies had:
 - Enormous power
 - A wide variety of rules—written and unwritten
 - Different hearing procedures and processes
 - A nod to due process and modern-day ideas of fairness.
- The Federal APA was enacted in 1946 to:
 - Ensure agencies kept the public informed about their organization, procedures, and rules
 - Provide for public participation in the rulemaking process
 - Provide uniform procedures for rulemaking and adjudicatory hearings
 - Restate the terms of judicial review.

6

6

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