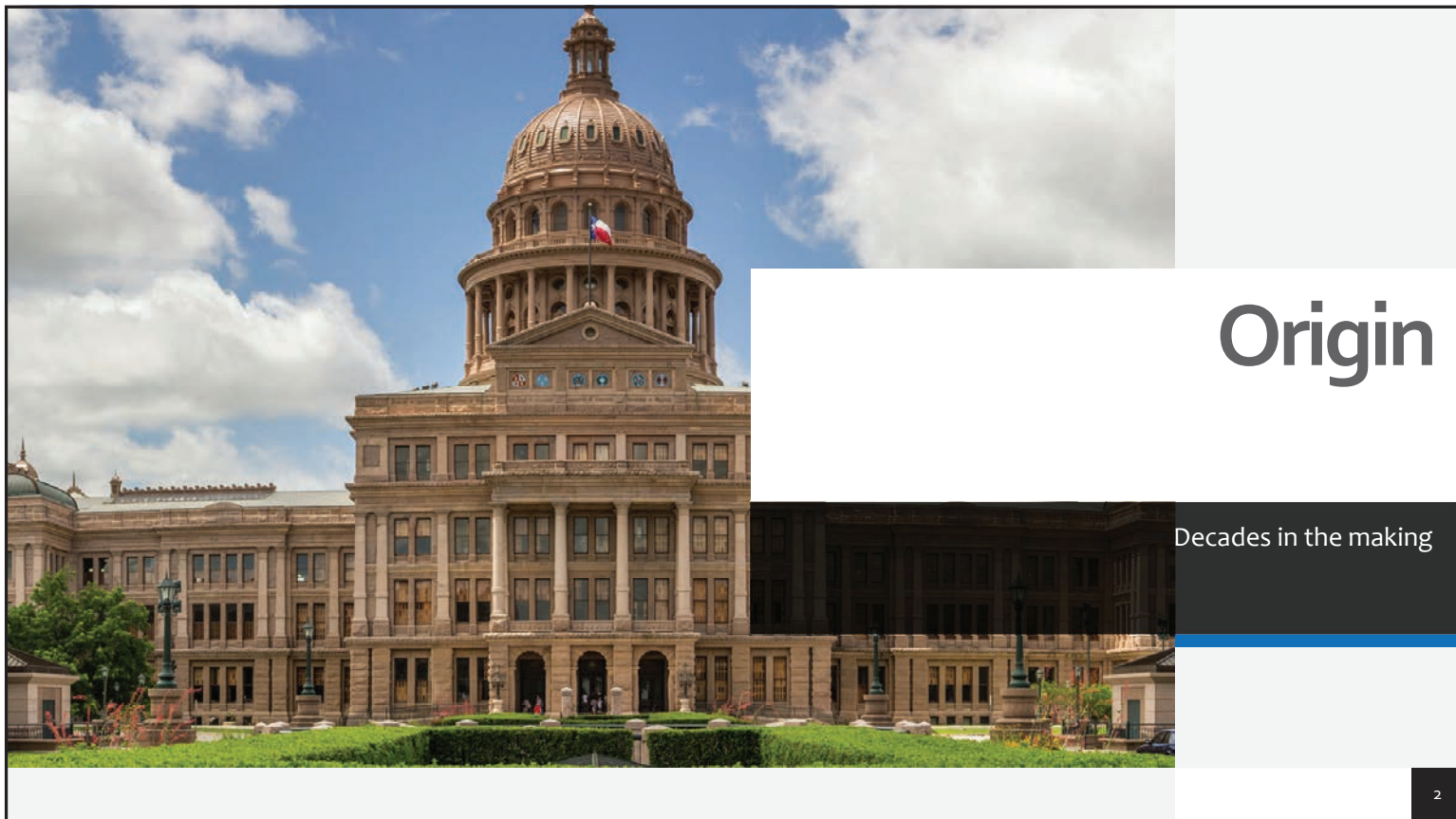




# Back to Basics: Administrative Procedure Act

The Texas APA's origin, evolution, and challenges

1



## Origin

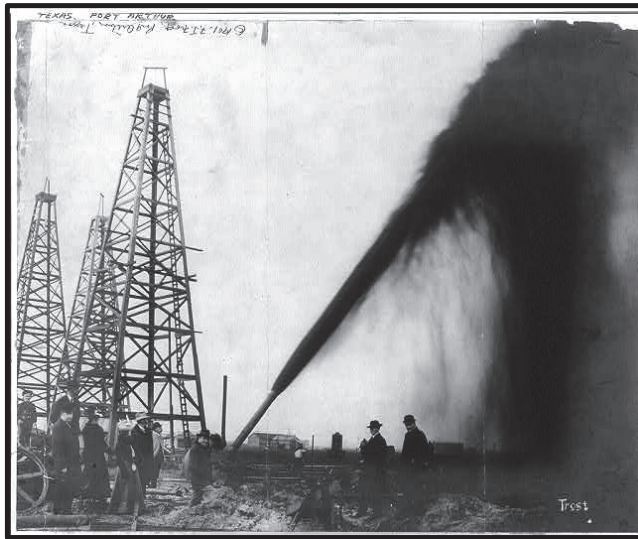
Decades in the making

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## Once upon a time...

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



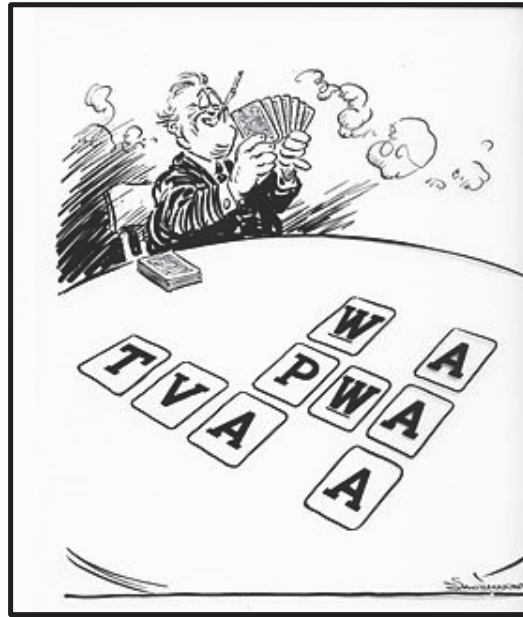
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## Once upon a time...

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



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## 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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15<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session  
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