

17TH Annual Advanced
Texas Administrative Law Seminar
September 1st and 2nd, 2022
Austin, Texas

THE ROOTS OF THE APA AND HOW THEY GREW

Linda B. Secord
lbsecord@aol.com
512-921-7752

1

Disclaimer

The views and opinions included in this paper are solely those of the author and do not express the official position of the Office of the Attorney General or any state agency represented by the Attorney General.

2

Where does the APA come from?
Short Answer, Dudley McCalla.

- APTRA passed by 64th Legislature
- Signed into law by Governor Briscoe April 22, 1975
- Effective January 1, 1976
- Codified as chapter 2001 of the Texas Government Code, 1993

3

Long answer: federal act, model act, and pre-1975
Texas cases challenging actions of state agencies

- Federal Act P.L.79-404, 60 Stat. 237 (1946);
- 5 U.S.C. sections 701-706.
- Model State Administrative Procedure Act, 1961, National Conference of Commissioners on Uniform Laws

4

Texas Pre-1975

- We had state agencies and courts reviewing their work long before we had the APA
- The Railroad Commission of Texas was the first Texas agency., Const. art. X section 2 (1890), established by the Legislature in 1891.
- Third Court of Appeals established 1892.

5

Over 150 State Agencies now

Some are established in the Constitution

- Finance Commission
- Ethics Commission
- Veterans Land Board
- Water Development Board

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: The Roots of the APA and How They Grew

Also available as part of the eCourse

[2022 Advanced Texas Administrative Law eConference](#)

First appeared as part of the conference materials for the
17th Annual Advanced Texas Administrative Law Seminar session
"The Roots of the APA and How They Grew"