17[™] 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 Ibsecord@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.

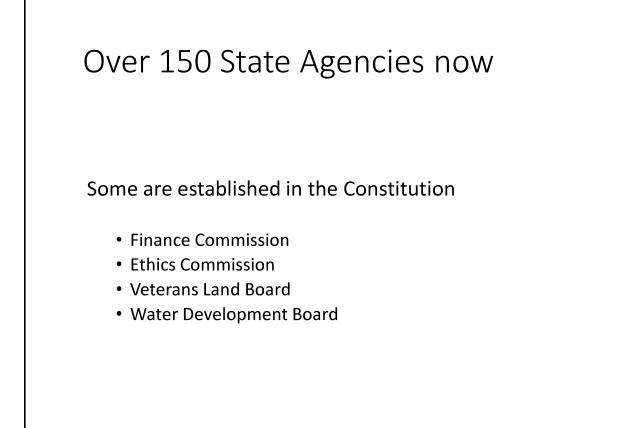
Where does the APA come from? Short Answer, Dudley McCalla.
 APTRA passed by 64th Legislature
 Signed into law by Governor Briscoe April 22, 1975
• Effective January 1, 1976
 Codified as chapter 2001 of the Texas Government Code, 1993

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

3

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.



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

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"