

17<sup>TH</sup> Annual Advanced  
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# THE ROOTS OF THE APA AND HOW THEY GREW

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1

## Disclaimer

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2

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

- APTRA passed by 64<sup>th</sup> 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

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