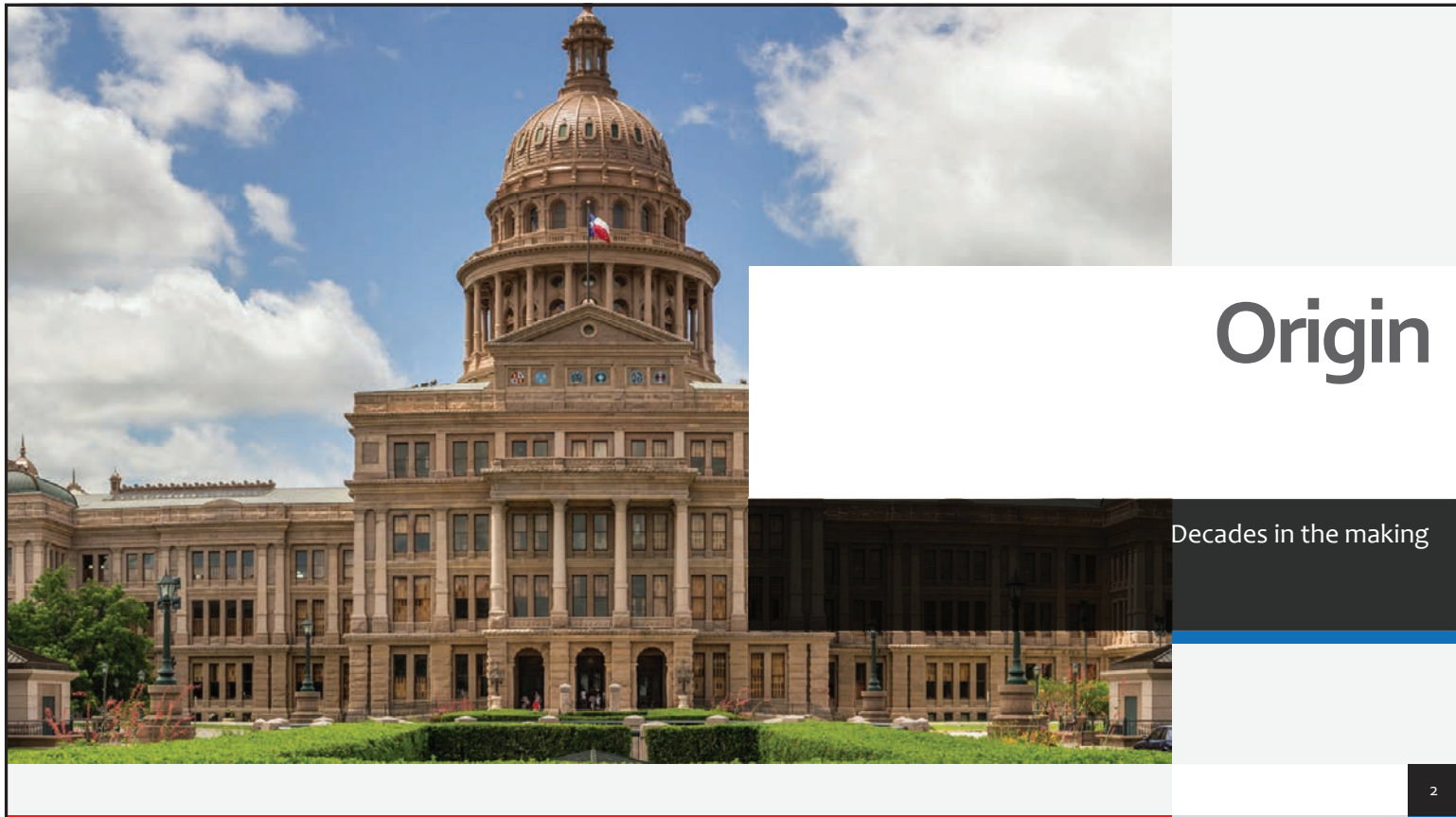




# Back to Basics: Administrative Procedure Act

The Texas APA's origin, evolution, and challenges

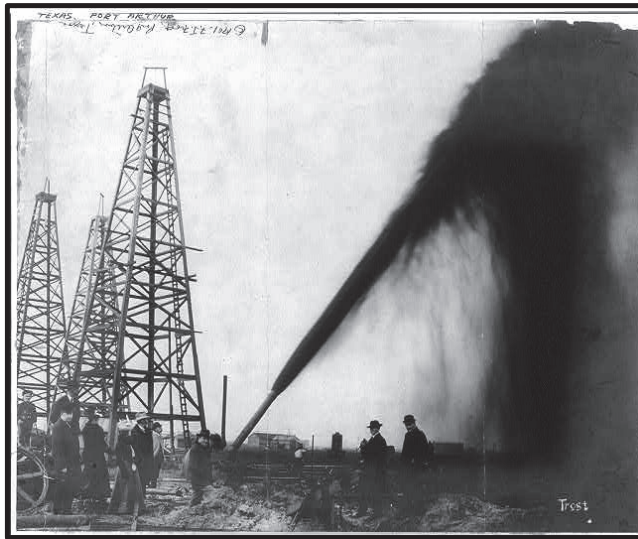


## Origin

Decades in the making

## Once upon a time...

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



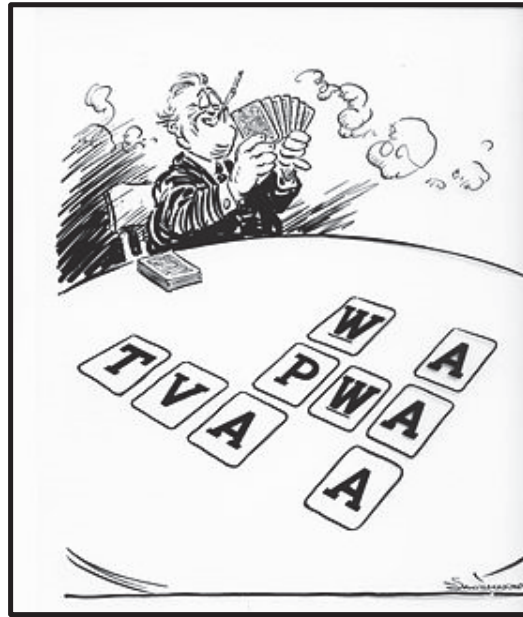
## Once upon a time...

- 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

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: Back to Basics: Administrative Procedures Act

Also available as part of the eCourse

[2020 Advanced Administrative Law eConference](#)

First appeared as part of the conference materials for the  
15<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session  
"Back to Basics: Administrative Procedures Act"