

Pathfinder Series Itunu Sofidiya, Learning Resources Librarian Revised May 2015

Texas Administrative Law



I. INTRODUCTION

Texas Administrative Law embodies the rules and decisions of various agencies that carry out the work of the executive, judicial, and legislative branches of government. Administrative agencies are created and empowered to achieve governmental objectives. These agencies receive their power or authority from Title II, III, and IV of the Texas Government Code.

Texas administrative agencies must adhere to the Texas Administrative Procedure Act (Texas APA). The Texas APA can be found in Subchapter B of Chapter 2001 of the Texas Government Code. Agency regulations are officially published in the Texas Register and Texas Administrative Code.

II. WHY RESEARCH ADMINISTRATIVE LAW

Administrative Law is important because of the responsibilities that have been delegated to the various state agencies. Responsibility for the administration of government and enforcement of governmental policies and procedures is largely delegated to an "extraordinary range" of agencies, which possess powers directly analogous to judicial and legislative bodies.

Texas Administrative Law research is used to help businesses and individuals deal with administrative and regulatory agencies, departments and bureaus; to make sure they comply with the law and regulations; to pursue claims and advance defenses in administrative law hearings and proceedings; to obtain permits and licenses; to avoid license revocations and suspensions; and to advance client interests in rule-making

III. IDENTIFYING ADMINISTRATIVE AGENCIES

Many administrative agencies were established in the Texas government. Identifying these agencies can be difficult for one unfamiliar with a particular area. The following sources may help identify various agencies:

Marilyn P. Duncan. <u>Guide to Texas State Agencies</u>. Austin: Lyndon B. Johnson School of Public Affairs, 1999. – JK4830.G84 1999 (Robert J. Terry Library – Main Campus) Provides summaries for most Texas agencies and has includes information about officers, contact information, and authority.

Texas State Library, TRAIL List of State Agency Records <u>https://www.tsl.texas.gov/apps/lrs/agencies/index.html</u> Provides a comprehensive list of links to electronic information from Texas state agencies.

Texas Workforce Commission

http://www.twc.state.tx.us/jobseekers/websites-texas-state-agencies-state-funded-institutions Provides a comprehensive list of names and links to Texas state agencies.

IV. SOURCES OF INFORMATION

An agency's power is defined by the statutes that create it. This enabling statute is the best primary source to consult first. The statute will define the scope of the agency and the type of regulations promulgated which may be legislative, interpretive or procedural in nature. Legislative rules are substantive in nature; they have the same effect as statutes because they bind courts, the agency, and the general public. Interpretative rules interpret legislation and rules. Interpretative rules are not laws, but courts give them considerable deference when interpreting statutes. Procedural rules govern both informal and formal procedures within an agency.

Texas Register

The *Texas Register*, a weekly publication, contains emergency, proposed, and adopted rules; notices of withdrawn and repealed rules; notices of rule review; governor appointments; attorney general opinions and other information submitted by state agencies for publication.

Location

Print		
Texas Secretary of State	http://www.sos.state.tx.us/texreg	past calendar year
State Rules and Open Meetings		

University of North Texas	http://texinfo.library.unt.edu/texasregister	1991-present
Texas Register		
Westlaw	TX-ADR Database	1989-present
Texas Administrative Register		
LexisNexis	CODES Library, TXRGST Library	1992-present
Texas Register		

Texas Administrative Code

In 1977, the Texas Administrative Code (TAC) was created by the Texas Legislature under the Administrative Code Act (Government Code, §§2002.051-2002.056). In the Administrative Code Act, the Legislature directed the Office of the Secretary of State to compile, index, and publish the Texas Administrative Code.

TAC is a compilation of all of the state agency rules in Texas. There are 16 titles in the TAC; gaps have been left in the numbering of the Titles, Chapters, and Sections of the Code to allow for future expansion. Each title represents a category and relating agencies are assigned to the appropriate title. The titles are as follows:

Title 1. Administration	Title 28. Insurance
Title 4. Agriculture	Title 30. Environmental Quality
Title 7. Banking and Securities	Title 31. Natural Resources and
Title 10. Community Development	Conservation
Title 13. Cultural Resources	Title 34. Public Finance
Title 16. Economic Regulation	Title 37. Public Safety and Corrections
Title 19. Education	Title 40. Social Services and Assistance
Title 22. Examining Boards	Title 43. Transportation
Title 25. Health Services	_

Location

Print	KFT1235 1988 .A215 2005 (Reserve)	
Texas Secretary of State	http://texreg.sos.state.tx.us/public/readtac\$ext.viewtac	
Texas Administrative Code		
Westlaw	TX-ADC Database	
Texas Administrative Code		
LexisNexis	TEX Library, TXADMN File	
Texas Administrative Code		

V. UPDATING REGULATORY INFORMATION

Texas Administrative Code(TAC) The TAC is updated annually. Check the most current volume and the latest supplement.

Texas Register Published quarterly and annually, and follows the publication date of the TAC's main volume or supplement, in particular the *TAC Titles Affected* section.

Table of Contents – Arranged numerically by TAC title and section and provides references to rules that have been affected by the particular issue.

VI. HOW TO CITE THE TAC AND TEXAS REGISTER

Source	Explanation	Citation
Texas	Cite to the Texas Administrative Code by	16 Tex. Admin. Code § 3.9
Administrative	title, section, and year. Citations should	(1988) (Tex. R.R. Comm'n,
Code (TAC)	include a parenthetical indicating the agency	Disposal Wells).
	or organization issuing the rule and the	
	subject heading of the rule. Texas Rules of	
	Form 16.1.1	
Texas Register	Cite to the Texas Register by providing the	17 Tex. Reg. 4727 (1992) (to
	volume, the page at which the rule begins,	be codified at 31 Tex. Admin.
	and the year of the Texas Register. Also,	Code §§ 113.201206)
	cite the Texas Administrative Code	(proposed June 23, 1992)
	parenthetically along with a notation	(Tex. Air Control Bd.)
	indicating whether the proposed rule is new	
	or merely an amendment to an existing rule.	
	If desired the agency may be listed also.	
	Texas Rules of Form 16.1.2	

VII. WORKS CONSULTED

Cordon, Matthew C. and Brandon D. Quarles, <u>Legal Research for the Texas Practitioner</u>. United States of America: William S. Hein & Co., Inc., 2003. Available at Classified (KFT1275 .Q37 2003).

Brandt, Lydia M. V. <u>Texas Legal Research: An Essential Lawyering Skill</u>. Dallas: Texas Lawyer Press, 1995. Available at Classified (KFT1275 .B73 1995).

Available at Classified (KF11275 .B75 1995).

Cordon, Matthew C. and Brandon D. Quarles, <u>Researching Texas Law</u>. William S. Hein & Co., Inc., 2008.

Available at Classified (KFT1275 .Q37 2008).