

**Opinion\_Committee**

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The Texas Department of Insurance uses bulletins to efficiently give public notice of a variety of topics. One such topic is the passage of new laws. For example, Commissioner Bulletin #B-0012-16 notified the public of the requirements of House Bill 574 from the 84<sup>th</sup> Legislature, Regular Session, <https://www.tdi.texas.gov/bulletins/2016/b-0012-16.html>. The Bulletin also cautioned insurers not to require anything more than specified in the plain language of House Bill 574. Such notifications arguably could also go through notice-and-comment rulemaking under the Texas Administrative Procedure Act. Tex. Gov't Code Sec. 2001.001 et seq.

My question is under what circumstances Texas courts afford deference to agency interpretations of statutes, such that notice-and-comment rulemaking would be entitled to greater weight than an agency bulletin.