



## CHARLES SCHWERTNER

STATE SENATOR • DISTRICT 5

COMMITTEES: BUSINESS AND COMMERCE, CHAIR • ECONOMIC DEVELOPMENT • FINANCE • STATE AFFAIRS

February 10, 2025

Governor Greg Abbott  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

Dear Governor Abbott,

On February 5, 2025, Attorney General Ken Paxton released Opinion No. KP-0480 regarding oversight of state health benefit plans and ERISA preemption. It has since been brought to my attention that a coalition of industry stakeholders are calling into question the precedent for state agencies to abide by current state law and any clarification provided in a formal opinion of the Office of the Attorney General. To have a state agency in Texas not following an official Attorney General opinion would be an anathema to you as the distinguished 48th Governor of Texas and 50th Attorney General of Texas. You fully appreciate the crucial interpretive responsibilities entrusted to the Attorney General's office.

Considering this, I want to reaffirm for the interested parties the role of the Office of the Attorney General and the Attorney General opinion process as providing essential guidance for compliance with state law. Under Texas Government Code § 402.042, the Attorney General has the power to issue written opinions that clarify statutory interpretation and inform decision-making for state boards, commissions, and agencies.

Recognizing your previous service as the Attorney General of Texas, you are keenly aware of the pivotal interpretive responsibilities that accompany the role. It is imperative that we provide certainty to all stakeholders and uphold the legislative and legal frameworks that govern public policy in Texas. I value your leadership on these critical issues and would welcome any opportunity to discuss how we can continue to advance sound policy and uphold the rule of law.

Given the consequential impact of Opinion No. KP-0480, I have filed Senate Bill 1122 (89R), which further codifies the guidance laid out in Attorney General Paxton's opinion and strengthens the insurance reforms introduced the past two sessions.

Sincerely,

A handwritten signature in black ink that reads "C. Schwertner".

Senator Charles Schwertner  
Chair

cc: Cassie Brown, Commissioner, Texas Department of Insurance

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