

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form

**FILED**  
3-25-16 10:25 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Department of Consumer and Business Services, Health Insurance Marketplace  
Agency and Division

945  
Administrative Rules Chapter Number

Calculation and application of a fund balance credit

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

The amendment of OAR 945-030-0020.

**Statutory Authority:**

ORS 741.002 and ORS 741.005

**Other Authority:**

**Statutes Implemented:**

ORS 741.005

**Need for the Temporary Rule(s):**

The amendment to OAR 945-030-0020 is necessary to synchronize the calculation and application of any fund balance credit with the Department of Consumer and Business Services's two-year budget cycle.

**Documents Relied Upon, and where they are available:**

ORS 741.002 and ORS 741.005, available on this web page: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors741.html](https://www.oregonlegislature.gov/bills_laws/ors/ors741.html)

**Justification of Temporary Rule(s):**

The temporary rule is necessary to delay the existing process for calculating and applying credits, which is not consistent with the agency's budget cycle. If the rule is not issued, the existing process will require the agency to calculate any refund based on a process inconsistent with the agency's budget cycle.

The Department of Consumer and Business Services is filing the same rule as a permanent rule at the same time it is filing this temporary rule so that the department may obtain and consider stakeholder input on the proposed change.

Victor Garcia

[victor.a.garcia@oregon.gov](mailto:victor.a.garcia@oregon.gov)

Printed Name

Email Address