On page 1 of the printed bill, delete lines 4 through 31.

On page 2, delete lines 1 through 30 and insert:

“SECTION 1. ORS 743.019 is amended to read:

“(1) When an insurer files a schedule or table of premium rates for individual or small employer health [insurance] benefit plans under ORS 743.018, the Department of Consumer and Business Services shall open a 30-day public comment period on the rate filing that begins on the date the insurer files the schedule or table of premium rates. The department shall post all of the comments received to the department’s website without delay.

“(2) After the close of the public comment period described in subsection (1) of this section, the department shall [make] issue a preliminary decision to approve, disapprove or modify a rate filing. The department shall notify the insurer of, and make available to the public, the preliminary decision, including:

“(a) An explanation of the findings and rationale that are the basis for the preliminary decision; and

“(b) Any actuarial or other analyses, calculations or evaluations relied upon by the department in arriving at the preliminary decision.

“(3) The department shall provide the insurer or any person adversely affected or aggrieved by the preliminary decision the opportunity to meet with the department to discuss and respond to the preliminary decision. However, an insurer or other person may not substitute new facts or data for the facts or data submitted by the insurer in the filing. The meeting shall:

“(a) Include a department employee who reviewed the rate filing; and

“(b) Comply with the requirements of ORS 192.610 to 192.690.

“(4)(a) The department may approve a modified rate filing only with the written consent of the insurer. An insurer’s consent to the modified rate filing does not preclude the insurer from contesting the modified rate filing by requesting a reconsideration under subsection (6) of this section or by requesting a contested case hearing.

“(b) If the modified rate filing is reversed as a result of a reconsideration or contested case hearing, the rate filing, as approved in the reconsideration or final order in a contested case, may take effect on or after the date of the reconsideration or final order, in accordance with rules adopted by the department.

“(5)(a) The department shall issue [an] a proposed order, no later than 30 days after the close of the public comment period described in subsection (1) of this section, approving, disapproving or modifying department issues a preliminary decision under subsection (2) of this section, to approve, disapprove or modify the rate filing based on the information submitted during the public comment period. [However,]
“(b) In issuing the proposed order, the department may not consider new facts or data that are offered as a substitute for the facts or data submitted by the insurer in the filing.

“(c) The [order shall be mailed] department shall mail the proposed order to the insurer and [posted] post the proposed order to the department’s website.

“[(b)] (d) The proposed order must include:

“(A) An explanation of the findings and rationale that are the basis for the proposed order, including any actuarial or other analyses, calculations or evaluations relied upon by the department in its findings or rationale; and

“(B) Notice of the right of the insurer or any person adversely affected or aggrieved by the proposed order to [contest the order by requesting:]"