
SEPTEMBER 13, 2021

AGENDA ITEM 10
ACTION ITEM

CALSAVERS RETIREMENT SAVINGS BOARD

Resolution No. 2021-10 Authorizing a Regular Rulemaking For Amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations Regarding the Registration Deadline for Employers with More than 100 Employees

Summary

The CalSavers Retirement Savings Board (“Board”) will consider authorizing the executive director to conduct a regular rulemaking to make permanent the amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations regarding the registration deadline for employers with more than 100 employees previously approved by the Board and made effective through the emergency rulemaking process.

Detail

Title 21 (commencing with Section 100000) of the Government establishes the Board and the CalSavers Retirement Saving Program (“Program”). Section 100048 of the Government Code authorizes the Board to adopt regulations to implement the Program and deems the adoption, amendment, repeal, and re-adoption of those regulation as addressing an emergency for the purposes of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

At the April 15, 2020, Board meeting, the Board approved Resolution 2020-02, which authorized the executive director to begin the emergency rulemaking process to extend the registration deadline for employers with more than 100 employees from June 30, 2020, to September 30, 2020, in Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations.

At subsequent meetings in July and December of 2020, the Board approved two additional sets of emergency regulations amendments. At the December 7, 2020, meeting, the Board authorized staff to conduct the regular rulemaking process to make permanent the three sets of emergency regulations amendments. Staff began the regular rulemaking in March 2021. Staff were informed by the Department of Finance that the rulemaking package was deemed to be major regulations, requiring staff to complete a standardized regulatory impact assessment (“SRIA”).

A major regulation is any proposed rulemaking action adopting, amending, or repealing a regulation that will have an economic impact on California business enterprises and individuals in an amount exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented without regard to any offsetting benefits or costs

that might result directly or indirectly from that adoption, amendment, or repeal (Sec. 2000, Ch.1, Div.3, Tit.1, CCR). A SRIA is required to be filed with the Department of Finance within either 60 days or 90 days prior to filing a notice of proposed action with the Office of Administrative Law depending on whether the state agency has previously notified the Department of Finance of the proposed major regulation within a specified timeframe (Sec. 2002, Ch.1, Div.3, Tit.1, CCR). The SRIA is required to include certain elements, including, among others, a description and explanation of the specific categories of individuals and business enterprises who would be affected by the proposed major regulation and the state agency's interpretation of the results of the assessment of the economic impact (Sec. 2002, Ch.1, Div.3, Tit.1, CCR).

The SRIA will delay the regular rulemaking process previously approved by the Board. Because the amendments to the employer registration deadline made to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations will ultimately be repealed by operation of law on December 31, 2021, staff are seeking Board authority to begin a new regular rulemaking solely to make permanent the change to Section 10002.

Staff will complete a SRIA to measure the economic and fiscal impact of the other emergency regulations amendments approved by the Board at the July 2020 and December 2020 Board meetings through Resolutions No. 2020-02 and 2020-04, respectively.

Recommendation

Staff recommend the Board approve Resolution 2021-10 to authorize the executive director to conduct a regular rulemaking to make permanent the amendments in Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations regarding the registration deadline for employers with more than 100 employees.

Attachments

- Attachment 10A: Resolution 2021-10: Resolution of the CalSavers Retirement Savings Board to Conduct the Regular Rulemaking Process
- Attachment 10B: Text of Regulations