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NOVEMBER 13, 2023

AGENDA ITEM 6  
ACTION ITEM

CALSAVERS RETIREMENT SAVINGS BOARD

*Resolution No. 2023-06, Approval of Readoption of Emergency Regulations Amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations and Authority to Conduct Rulemaking*

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***Summary***

The CalSavers Retirement Savings Board (“Board”) will consider approving the readoption of an amendment to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations.

***Authority***

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 readoption 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).

***Detail***

Staff are seeking Board approval to readopt regulations amendments that were necessary to improve the program’s ability to protect confidential employer data.

Because the amendments were made using the emergency rulemaking process, they are temporary until staff can complete a process known as a certificate of compliance (often referred to as “regular rulemaking”). Unless readopted, or until the certificate of compliance process is completed, the amendments will expire on January 10, 2024.

Staff initiated the certificate of compliance process on September 29, 2023. The public comment period on the amendments concludes on November 13, 2023. Staff are preparing to submit the rulemaking file to the Office of Administrative Law (OAL).

***Recommendation***

Staff recommend the Board approve resolution 2023-06 to approve the readoption of emergency regulations amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations, authorize the executive director to conduct the emergency rulemaking readoption process to enact the amendments, and provide authority to conduct the regular rulemaking process to make the amendments permanent.

***Attachments***

- Attachment 6A: Text of Regulations Amendments
- Attachment 6B: Resolution 2023-06: Approval of Readoption of Emergency Regulations Amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations and Authority to Conduct Rulemaking
- Attachment 6C: Resolution 2023-03: Approval of Emergency Regulations Amendments to Section 10002 of Chapter 15 of Title 10 of the California Code of Regulations and Authority to Conduct Rulemaking