

## CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws §42-35-2.6, following is a concise explanatory statement:

AGENCY: Office of the General Treasurer

RULE IDENTIFIER: 120-RICR-00-00-6

RULE TITLE: Rules and Regulations Pertaining to the RISavers Retirement Savings Program

REASON FOR RULEMAKING: This Rule is established to effectuate the provisions and overall purpose of the Rhode Island Secure Choice Retirement Savings Program Act (the "Act"). Pursuant to the Act, the Office of the General Treasurer ("Treasury") is required to promulgate regulations that define the roles and responsibilities of employers in such a manner as to keep the RISavers Retirement Savings Program (the "Program") from being classified as an employee benefit plan subject to the federal Employee Retirement Income Security Act ("ERISA"). This Rule clearly defines required and prohibited employer activities. This Rule further defines Program requirements established under the Act to facilitate both employer and employee participation. This includes establishing how Treasury will count the number of employees at a given business, creating the default contribution rate and investment option for Program savers, and providing a means to rollover, transfer, or withdraw Program savings. This Amendment to the Rule is being prepared in response to a public comment which was received during promulgation of the Rule.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE: N/A

TESTIMONY AND COMMENTS: N/A

CHANGE TO TEXT OF THE RULE: The amendments provide clarity and uniformity throughout the Rule by providing clearer sentence structure and use of terms that align with the definitions provided in this Rule and the R.I. General Laws governing the Rhode Island Secure Choice Retirement Savings Program Act.

REGULATORY ANALYSIS: This Rule is promulgated to facilitate business compliance with and employee participation in the Act. Through this Rule, Treasury clarifies the exemption process for private businesses and defines the term "employee" as to assist employers in determining enforcement and the required level of participation in the Program. For eligible employers with employees participating in the Program, this Rule also specifies the information required to facilitate Program participation and defines impermissible activities. Both ensure the Program is not considered an employer sponsored plan subject to federal preemption under ERISA. The Program offers a Roth Individual Retirement Account ("IRA") to all private sector employees not currently provided a retirement saving option by their employer. As such, the Program serves the public benefit of facilitating retirement savings and bolstering long-term financial stability and independence. The benefits of early retirement planning are well-recognized in innumerable scholarly publications. Employer participation is mandated under the Act, not this Rule. Therefore, any financial impact on business owners emanates from the statute. Further, this Rule is not duplicative of the Act but rather serves to elucidate the Program features and requirements created therein. The Act expressly authorizes Treasury to adopt regulations to facilitate Program administration, and there are no reasonable alternatives to the exercise of that regulatory authority. The regulation, including the proposed amendments, does not impact any industry and there is no negative societal cost of compliance.