

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 286 entitled “An act relating to amending various public pension and  
4 other postemployment benefits” respectfully reports that it has considered the  
5 same and recommends that the House propose to the Senate that the bill be  
6 amended as follows:

7 First: In Sec. 4, 3 V.S.A. § 459a, by striking out subdivision (b)(2) in its  
8 entirety and inserting in lieu thereof the following:

9 (2) Notwithstanding subdivision (1) of this subsection, for a Group C  
10 member who has attained the later of 50 years of age and has completed 20 or  
11 more years of service, in no event shall the member’s separately computed  
12 retirement allowance increase by an amount equal to more than one and one-  
13 half percent of the member’s average final compensation per year of service  
14 actually performed during the period beginning with the member’s last  
15 restoration to service.

16 Second: By striking out Sec. 5, 3 V.S.A. § 470, in its entirety and inserting  
17 in lieu thereof the following:

18 Sec. 5. 3 V.S.A. § 470 is amended to read:

19 § 470. POSTRETIREMENT ADJUSTMENTS TO RETIREMENT

20 ALLOWANCES

1       (a) ~~For Group A, Group C, and Group D members, as of June 30th in each~~  
2 ~~year, commencing June 30, 1972, a determination shall be made of any~~  
3 ~~increase or decrease, to the nearest one tenth of a percent, in the ratio of the~~  
4 ~~average of the Consumer Price Index for the month ending on that date to the~~  
5 ~~average of said index for the month ending on June 30, 1971, or the month~~  
6 ~~ending on June 30th of the most recent year subsequent thereto. In the event of~~  
7 ~~an increase, and provided that the net increase following the application of any~~  
8 ~~offset as provided in this subsection equals or exceeds one percent, the~~  
9 ~~retirement allowance of each beneficiary in receipt of an allowance for at least~~  
10 ~~one year on the next following December 31st shall be increased by an equal~~  
11 ~~percentage. Such increase shall commence on the January 1st immediately~~  
12 ~~following such December 31st. Such percentage increase shall also be made in~~  
13 ~~the retirement allowance payable to a beneficiary in receipt of an allowance~~  
14 ~~under an optional election, provided the member on whose account the~~  
15 ~~allowance is payable and such other person shall have received a total of at~~  
16 ~~least 12 monthly payments by such December 31st. In the event of a decrease~~  
17 ~~of the Consumer Price Index as of June 30th for the preceding year, the~~  
18 ~~retirement allowance of a beneficiary shall not be subject to any adjustment on~~  
19 ~~the next following January 1st; provided, however, that:~~

1           ~~(1) such decrease shall be applied as an offset against the first~~  
2           ~~subsequent year's increase of the Consumer Price Index when such increase~~  
3           ~~equals or exceeds one percent, up to the full amount of such increase; and~~

4           ~~(2) to the extent that such decrease is greater than such subsequent~~  
5           ~~year's increase, such decrease shall be offset in the same manner against two~~  
6           ~~or more years of such increases, for up to but not exceeding five subsequent~~  
7           ~~years of such increases, until fully offset. Postretirement adjustments to~~  
8           ~~retirement allowance. Beginning January 1, 2023 and each year thereafter, the~~  
9           ~~retirement allowance of each beneficiary of the System who is in receipt of a~~  
10           ~~retirement allowance and who meets the eligibility criteria set forth in this~~  
11           ~~section shall be adjusted by the amount described in subsection (d) of this~~  
12           ~~section. In no event shall a beneficiary receive a negative adjustment to the~~  
13           ~~beneficiary's retirement allowance.~~

14           ~~(b) For Group F members, as of June 30th in each year, commencing~~  
15           ~~January 1, 1991, a determination shall be made of any increase or decrease, to~~  
16           ~~the nearest one-tenth of a percent of the Consumer Price Index for the~~  
17           ~~preceding fiscal year. In the event of an increase, and provided that there~~  
18           ~~exists a net increase following the application of any offset as provided in this~~  
19           ~~subsection, the retirement allowance of each beneficiary in receipt of an~~  
20           ~~allowance for at least one year on the next following December 31st shall be~~  
21           ~~increased by an amount equal to one-half of the net percentage increase.~~

1 Commencing January 1, 2014, the retirement allowance of each beneficiary  
2 who was an active contributing member of the Group F plan on or after  
3 June 30, 2008, and who retires on or after July 1, 2008, shall be increased by  
4 an amount equal to the net percentage increase. The increase shall commence  
5 on the January 1st immediately following such December 31st. The increase  
6 shall apply to Group F members receiving an early retirement allowance only  
7 in the year following attainment of normal retirement age, provided the  
8 member has received benefits for at least 12 months as of December 31st of  
9 the year preceding any January adjustment. In the event of a decrease of the  
10 Consumer Price Index as of June 30th for the preceding year, the retirement  
11 allowance of a beneficiary shall not be subject to any adjustment on the next  
12 following January 1st; provided, however, that:

13 (1) such decrease shall be applied as an offset against the first  
14 subsequent year's increase of the Consumer Price Index, up to the full amount  
15 of such increase; and

16 (2) to the extent that such decrease is greater than such subsequent  
17 year's increase, such decrease shall be offset in the same manner against two  
18 or more years of such increases, for up to but not exceeding five subsequent  
19 years of such increases, until fully offset. Calculation of net percentage  
20 increase.

1           (1) Consumer Price Index; maximum and minimum amounts. Prior to  
2           October 1 of each year, a determination shall be made of any increase or  
3           decrease, to the nearest one-tenth of a percent, in the Consumer Price Index for  
4           the month ending on June 30 of that year to the average of said index for the  
5           month ending on June 30 of the previous year. Any increase or decrease in the  
6           Consumer Price Index shall be subject to adjustment so as to remain within the  
7           following maximum and minimum amounts:

8                   (A) For Group A members, the maximum amount of any increase or  
9                   decrease used to determine the net percentage increase shall be five percent.

10                   (B) For Group C members who are first eligible for normal  
11                   retirement or unreduced early retirement on or before June 30, 2022, or who  
12                   are vested deferred members as of June 30, 2022, the maximum amount of any  
13                   increase or decrease used to determine the net percentage increase shall be five  
14                   percent.

15                   (C) For Group C members who are first eligible for normal  
16                   retirement or unreduced early retirement on or after July 1, 2022, the  
17                   maximum amount of any increase or decrease used to determine the net  
18                   percentage increase shall be four percent.

19                   (D) For Group D members, the maximum amount of any increase or  
20                   decrease used to determine the net percentage increase shall be five percent.

1           (E) For Group F members who are first eligible for normal retirement  
2           or unreduced early retirement on or before June 30, 2022, or who are vested  
3           deferred members as of June 30, 2022, the maximum amount of any increase  
4           or decrease used to determine the net percentage increase shall be five percent.  
5           In the event that there is an increase or decrease of less than one percent, the  
6           net percentage increase shall be assigned a value of one percent and shall not  
7           be subject to further adjustment pursuant to subsection (d) of this section.

8           (F) For Group F members who are first eligible for normal retirement  
9           or unreduced early retirement on or after July 1, 2022, the maximum amount of  
10           any increase or decrease used to determine the net percentage increase shall be  
11           four percent.

12           (2) Consumer Price Index; decreases. In the event of a decrease in the  
13           Consumer Price Index, there shall be no adjustment to retirement allowances  
14           for the subsequent year beginning January 1; provided, however, that:

15           (A) such decrease shall be applied as an offset against the first  
16           subsequent year’s increase of the Consumer Price Index, up to the full amount  
17           of such increase; and

18           (B) to the extent that such decrease is greater than such subsequent  
19           year’s increase, such decrease shall be offset in the same manner against two  
20           or more years of such increases, for up to but not exceeding five subsequent  
21           years of such increases, until fully offset.

1           (3) Consumer Price Index; increases. In the event of an increase in the  
2           Consumer Price Index, and provided there remains an increase following the  
3           application of any offset as in subdivision (2) of this subsection, that amount  
4           shall be identified as the net percentage increase and used to determine the  
5           members' postretirement adjustment as described herein.

6           ~~(c) For purposes of subsection (a) of this section, the maximum amount of~~  
7           ~~any increase or decrease utilized to determine the net percentage increase shall~~  
8           ~~be five percent. For purposes of subsection (b) of this section, the maximum~~  
9           ~~amount of any increase or decrease utilized to determine the net percentage~~  
10           ~~increase shall be five percent, and any increase or decrease of less than one~~  
11           ~~percent shall be assigned a value of one percent. Eligibility for postretirement~~  
12           ~~adjustment. In order for a beneficiary to receive a postretirement adjustment to~~  
13           ~~the beneficiary's retirement allowance, the beneficiary must meet the~~  
14           ~~following eligibility requirements:~~

15           (1) Retired and vested deferred on or before June 30, 2022. For all  
16           members who are retired or vested deferred on or before June 30, 2022, other  
17           than those Group F members on an early retirement allowance who have not  
18           reached normal retirement age, as specified in subdivision (4) of this  
19           subsection, the member must be in receipt of a retirement allowance for at least  
20           12 months prior to the January 1 effective date of any postretirement  
21           adjustment.

1           (2) In service on or before June 30, 2022. For all Group A, C, and F  
2           members who are first eligible for normal retirement or unreduced early  
3           retirement on or before June 30, 2022, and for Group D members first  
4           appointed or elected on or before June 30, 2022, the member must be in receipt  
5           of a retirement allowance for at least 12 months prior to the January 1 effective  
6           date of any postretirement adjustment.

7           (3) In service on or after July 1, 2022. For all Group A, C, and F  
8           members who are first eligible for normal retirement or unreduced early  
9           retirement on or after July 1, 2022, and for Group D members first appointed  
10           or elected on or after July 1, 2022, the member must be in receipt of a  
11           retirement allowance for at least 24 months prior to the January 1 effective date  
12           of any postretirement adjustment.

13           (4) Special rule for Group F early retirement. A Group F member in  
14           receipt of an early retirement allowance shall not receive a postretirement  
15           adjustment to the member’s retirement allowance until such time as the  
16           member has reached normal retirement age, provided the member has also met  
17           the other eligibility criteria set forth in this subsection.

18           ~~(d) For purposed of this section, Consumer Price Index shall mean the~~  
19           ~~Northeast Region Consumer Price Index for all urban consumers, designated as~~  
20           ~~“CPI-U,” in the northeast region, as published by the U.S. Department of~~  
21           ~~Labor, Bureau of Labor Statistics.~~ Amount of postretirement adjustment. The



1 postretirement adjustment for each member who meets the eligibility criteria  
2 set forth in subsection (c) of this section shall be as follows:

3 (1) the full amount of the net percentage increase calculated in  
4 subsection (b) of this section for the following:

5 (A) Group A and C members, provided that the net increase  
6 following the application of any offset as provided in this section equals or  
7 exceeds one percent;

8 (B) Group D members first appointed or elected on or before  
9 June 30, 2022, provided that the net increase following the application of any  
10 offset as provided in this section equals or exceeds one percent; and

11 (C) commencing January 1, 2014, any active contributing member of  
12 the Group F plan on or after June 30, 2008, and who retires as a Group F  
13 member on or after July 1, 2008;

14 (2) one-half of the net percentage increase calculated in subsection (b)  
15 of this section for Group F members who retired on or before June 30, 2008;

16 (3) for Group D members first appointed or elected on or after  
17 July 1, 2022, provided that the net increase following the application of any  
18 offset as provided in this section equals or exceeds one percent, the full amount  
19 of the net percentage increase calculated in subsection (b) of this section for  
20 amounts equal to or less than \$75,000.00 of annual retirement allowance and

1 one-half the net percentage increase calculated in subsection (b) of this section  
2 for amounts \$75,000.01 or greater of annual retirement allowance.

3 (e) Definition. For purposes of this section:

4 (1) “Consumer Price Index” means the Northeast Region Consumer  
5 Price Index for all urban consumers, designated as “CPI-U,” in the northeast  
6 region, as published by the U.S. Department of Labor, Bureau of Labor  
7 Statistics.

8 (2) “Vested deferred” means a member who receives a vested deferred  
9 allowance payable pursuant to subsection 465(a) of this title.

10 (f) Deferred vested allowance. No increase shall be made pursuant to this  
11 section in a deferred vested allowance payable pursuant to subsection 465(a) of  
12 this title prior to its commencement.

13 Third: By striking out Sec. 6, 3 V.S.A. § 473, in its entirety and inserting in  
14 lieu thereof the following:

15 Sec. 6. 3 V.S.A. § 473 is amended to read:

16 § 473. FUNDS

17 (a) Assets. All of the assets of the Retirement System shall be credited to  
18 the Vermont State Retirement Fund.

19 (b) Member contributions.

20 (1)(A) Allocations. Contributions deducted from the compensation of  
21 members together with any member contributions transferred thereto from the

1 predecessor systems shall be accumulated in the Fund and separately recorded  
2 for each member. The amounts so transferred on account of Group A  
3 members shall be allocated between regular and additional contributions. The  
4 amounts so allocated as regular contributions shall be determined as if the rate  
5 of contribution of four percent has been continuously in effect in the  
6 predecessor system from which such amounts were transferred and the balance  
7 of any amount so transferred on account of any Group A member shall be  
8 deemed additional contributions. In the case of Group C members who were  
9 members as of the date of establishment and Group D members, all  
10 contributions transferred from predecessor systems shall be deemed regular  
11 contributions. Those members who, prior to the date of establishment of this  
12 system, had been contributing at a rate less than four percent shall have any  
13 benefit otherwise payable on their behalf actuarially reduced to reflect such  
14 prior contribution rate of less than four percent. Upon a member's retirement  
15 or other withdrawal from service on the basis of which a retirement allowance  
16 is payable, the member's additional contributions, with interest thereon, shall  
17 be paid as an additional allowance equal to an annuity ~~which~~ that is the  
18 actuarial equivalent of such amount, in the same manner as the benefit  
19 otherwise payable under the System.

20 (B) Periodic review. When the State Employees' Retirement System  
21 has been determined by the actuary to have assets at least equal to its accrued

1 liability, contribution rates will be reevaluated by the actuary with a  
2 subsequent recommendation to the General Assembly. In determining the  
3 amount earnable by a member in a payroll period, the Retirement Board may  
4 consider the annual or other periodic rate of earnable compensation payable to  
5 such member on the first day of the payroll period as continuing throughout  
6 such payroll period, and it may omit deduction from compensation for any  
7 period less than a full payroll period if an employee was not a member on the  
8 first day of the payroll period, and to facilitate the making of deductions it may  
9 modify the deduction required of any member by such an amount as, on an  
10 annual basis, shall not exceed one-tenth of one percent of the annual earnable  
11 compensation upon the basis of which such deduction is to be made. Each of  
12 the amounts shall be deducted until the member retires or otherwise withdraws  
13 from service and when deducted shall be paid into the Annuity Savings Fund  
14 and shall be credited to the individual account of the member from whose  
15 compensation the deduction was made.

16 (2)(A) Group A members. Commencing on July 1, 2016, contributions  
17 shall be 6.55 percent of compensation for Group A, ~~D, and F~~ members ~~and~~  
18 ~~8.43 percent of compensation for Group C members. When the State~~  
19 ~~Employees' Retirement System has been determined by the actuary to have~~  
20 ~~assets at least equal to its accrued liability, contribution rates will be~~  
21 ~~reevaluated by the actuary with a subsequent recommendation to the General~~

1 ~~Assembly. In determining the amount earnable by a member in a payroll~~  
2 ~~period, the Retirement Board may consider the annual or other periodic rate of~~  
3 ~~earnable compensation payable to such member on the first day of the payroll~~  
4 ~~period as continuing throughout such payroll period, and it may omit deduction~~  
5 ~~from compensation for any period less than a full payroll period if an employee~~  
6 ~~was not a member on the first day of the payroll period, and to facilitate the~~  
7 ~~making of deductions it may modify the deduction required of any member by~~  
8 ~~such an amount as, on an annual basis, shall not exceed one tenth of one~~  
9 ~~percent of the annual earnable compensation upon the basis of which such~~  
10 ~~deduction is to be made. Each of the amounts shall be deducted until the~~  
11 ~~member retires or otherwise withdraws from service, and when deducted shall~~  
12 ~~be paid into the Annuity Savings Fund, and shall be credited to the individual~~  
13 ~~account of the member from whose compensation the deduction was made.~~

14 (B) Group C members.

15 (i) Commencing the first full pay period in fiscal year 2023, the  
16 contribution rate for Group C members shall be 8.93 percent of compensation.

17 (ii) Commencing the first full pay period in fiscal year 2024, the  
18 contribution rate for Group C members shall be 9.43 percent of compensation.

19 (iii) Commencing the first full pay period in fiscal year 2025 and  
20 annually thereafter, the contribution rate for Group C members shall be 9.93  
21 percent of compensation.

1           (C) Group D members. Commencing on July 1, 2022, the  
2           contribution rate for Group D members shall be based on the quartile in which  
3           a member’s hourly rate of pay falls. Quartiles shall be determined annually in  
4           the first full pay period of each fiscal year by the Department of Human  
5           Resources based on the hourly rate of pay by all Group D members. The  
6           contribution rates shall be based on the schedule set forth below:

7                   (i) Based on the quartiles for the first full pay period of each fiscal  
8                   year and effective the first full pay period in that fiscal year, for members who  
9                   have an hourly rate of pay in any pay period below the 25th percentile of  
10                  Group D member hourly rates of pay, the contribution rate shall be 6.55  
11                  percent of compensation.

12                   (ii) Based on the quartiles for the first full pay period of each  
13                   fiscal year and effective the first full pay period in that fiscal year, for members  
14                   who have an hourly rate of pay in any pay period at the 25th percentile and  
15                   below the 50th percentile of Group D member hourly rates of pay, the  
16                   contribution rate shall be as follows:

17                           (I) commencing in fiscal year 2023, 7.05 percent of  
18                           compensation;

19                           (II) commencing in fiscal year 2024, 7.55 percent of  
20                           compensation; and

1                    (III) commencing in fiscal year 2025 and annually thereafter,  
2                    8.05 percent of compensation.

3                    (iii) Based on the quartiles for the first full pay period of each  
4                    fiscal year and effective the first full pay period in that fiscal year, for members  
5                    who have an hourly rate of pay in any pay period at the 50th percentile and  
6                    below the 75th percentile of Group D member hourly rates of pay, the  
7                    contribution rate shall be as follows:

8                    (I) commencing in fiscal year 2023, 7.05 percent of  
9                    compensation;

10                    (II) commencing in fiscal year 2024, 7.55 percent of  
11                    compensation;

12                    (III) commencing in fiscal year 2025, 8.05 percent of  
13                    compensation; and

14                    (IV) commencing in fiscal year 2026 and annually thereafter,  
15                    8.55 percent of compensation.

16                    (iv) Based on the quartiles for the first full pay period of each  
17                    fiscal year and effective the first full pay period in that fiscal year, for members  
18                    who have an hourly rate of pay in any pay period at or above the 75th  
19                    percentile of Group D member hourly rates of pay, the contribution rate shall  
20                    be as follows:

1                   (I) commencing in fiscal year 2023, 7.05 percent of  
2                   compensation;

3                   (II) commencing in fiscal year 2024, 7.55 percent of  
4                   compensation;

5                   (III) commencing in fiscal year 2025, 8.05 percent of  
6                   compensation;

7                   (IV) commencing in fiscal year 2026, 8.55 percent of  
8                   compensation; and

9                   (V) commencing in fiscal year 2027 and annually thereafter,  
10                  9.05 percent of compensation.

11                  (D) Group F members. Commencing on July 1, 2022, the  
12                  contribution rate for Group F members shall be based on the quartile in which  
13                  a member’s hourly rate of pay falls. Quartiles shall be determined annually in  
14                  the first full pay period of each fiscal year by the Department of Human  
15                  Resources based on the hourly rate of pay of all Group F members. The  
16                  contribution rates shall be based on the schedule set forth below:

17                  (i) Based on the quartiles for the first full pay period of each fiscal  
18                  year and effective the first full pay period in that fiscal year, for members who  
19                  have an hourly rate of pay in any pay period below the 25th percentile of  
20                  Group F member hourly rates of pay, the contribution rate shall be 6.55 percent  
21                  of compensation.



1                    (ii) Based on the quartiles for the first full pay period of each  
2                    fiscal year and effective the first full pay period in that fiscal year, for members  
3                    who have an hourly rate of pay in any pay period at the 25th percentile and  
4                    below the 50th percentile of Group F member hourly rates of pay, the  
5                    contribution rate shall be as follows:

6                    (I) commencing in fiscal year 2023, 7.05 percent of  
7                    compensation;

8                    (II) commencing in fiscal year 2024, 7.55 percent of  
9                    compensation; and

10                    (III) commencing in fiscal year 2025 and annually thereafter,  
11                    8.05 percent of compensation.

12                    (iii) Based on the quartiles for the first full pay period of each  
13                    fiscal year and effective the first full pay period in that fiscal year, for members  
14                    who have an hourly rate of pay in any pay period at the 50th percentile and  
15                    below the 75th percentile of Group F member hourly rates of pay, the  
16                    contribution rate shall be as follows:

17                    (I) commencing in fiscal year 2023, 7.05 percent of  
18                    compensation;

19                    (II) commencing in fiscal year 2024, 7.55 percent of  
20                    compensation;

1                    (III) commencing in fiscal year 2025, 8.05 percent of  
2                    compensation; and

3                    (IV) commencing in fiscal year 2026 and annually thereafter,  
4                    8.55 percent of compensation.

5                    (iv) Based on the quartiles for the first full pay period of each  
6                    fiscal year and effective the first full pay period in that fiscal year, for members  
7                    who have an hourly rate of pay in any pay period at or above the 75th  
8                    percentile of Group F member hourly rates of pay, the contribution rate shall  
9                    be as follows:

10                    (I) commencing in fiscal year 2023, 7.05 percent of  
11                    compensation;

12                    (II) commencing in fiscal year 2024, 7.55 percent of  
13                    compensation;

14                    (III) commencing in fiscal year 2025, 8.05 percent of  
15                    compensation;

16                    (IV) commencing in fiscal year 2026, 8.55 percent of  
17                    compensation; and

18                    (V) commencing in fiscal year 2027 and annually thereafter,  
19                    9.05 percent of compensation.

20                    (3) Deductions. The deductions provided for herein shall be made  
21                    notwithstanding that the minimum compensation provided for by law for any

1 member shall be reduced thereby. Every member shall be deemed to consent  
2 and agree to the deductions made and provided herein and shall receipt for full  
3 compensation, and payment of compensation less such deduction shall be a full  
4 and complete discharge and acquittance of all claims and demands whatsoever  
5 for the services rendered by such person during the period covered by such  
6 payment, except as to the benefits provided under this subchapter.

7 (4) Additional contributions. Subject to the approval of the Retirement  
8 Board, in addition to the contributions deducted from compensation as  
9 hereinbefore provided, any member may redeposit in the Fund by a single  
10 payment or by an increased rate of contribution an amount equal to the total  
11 amount ~~which~~ that the member previously withdrew from this System or one  
12 of the predecessor systems; or any member may deposit therein by a single  
13 payment or by an increased rate of contribution an amount computed to be  
14 sufficient to purchase an additional annuity ~~which~~ that, together with  
15 prospective retirement allowance, will provide for the member a total  
16 retirement allowance not in excess of one-half of average final compensation at  
17 normal retirement date, with the exception of Group D members for whom  
18 creditable service shall be restored upon redeposits of amounts previously  
19 withdrawn from the System, or for whom creditable service shall be granted  
20 upon deposit of amounts equal to what would have been paid if payment had  
21 been made during any period of service during which such a member did not

1 contribute. Such additional amounts so deposited shall become a part of the  
2 member's accumulated contributions as additional contributions.

3 (5) Beneficiaries. The contributions of a member and such interest as  
4 may be allowed thereon ~~which~~ that are withdrawn by the member or paid to  
5 the member estate or to a designated beneficiary in event of the member's  
6 death, shall be paid from the Fund.

7 (6) Scope. Contributions required under this subsection shall be limited  
8 to contributions from Group A, Group C, Group D, and Group F members.

9 (7) [Repealed.]

10 (c) Employer contributions, earnings, and payments.

11 \* \* \*

12 (8) Annually, the Board shall certify an amount to pay the annual  
13 actuarially determined employer contribution, as calculated in this subsection,  
14 and additional amounts as follows:

15 (A) in fiscal year 2024, the amount of \$9,000,000.00;

16 (B) in fiscal year 2025, the amount of \$12,000,000.00; and

17 (C) in fiscal year 2026 and in any year thereafter when the Fund is  
18 calculated to have a funded ratio of less than 90 percent, the amount of  
19 \$15,000,000.00.

20 Fourth: In Sec. 11, 16 V.S.A. § 1944, by striking out subdivision (c)(13)(C)  
21 and inserting in lieu thereof the following:

1           (C) in fiscal year 2026 and in any year thereafter when the Fund is  
2           calculated to have a funded ratio of less than 90 percent, the amount of  
3           \$15,000,000.00.

4           Fifth: By striking out Sec. 11a, 16 V.S.A. § 1949a, in its entirety and  
5           inserting in lieu thereof the following:

6           Sec. 11a. 16 V.S.A. § 1949a is added to read:

7           § 1949a. POSTRETIREMENT ADJUSTMENT ALLOWANCE ACCOUNT

8           (a) Intent. It is the intent of the General Assembly to recognize members  
9           who are in active service on or before June 30, 2022 and made contributions  
10           for the duration of fiscal year 2023 and members who are in active service on  
11           or after July 1, 2022 and made contributions for at least one year, as part of a  
12           broader effort to improve the health of the System. As an acknowledgment of  
13           these additional contributions, once the System is in a healthier financial  
14           position, it is the intent of the General Assembly that these members should  
15           receive postretirement adjustment allowances that will more fully reflect the  
16           net percentage increase in the Consumer Price Index. It is also the intent of the  
17           General Assembly that the postretirement adjustment allowance formula  
18           should be incrementally increased to 100 percent of the net percentage increase  
19           in the Consumer Price Index, but that no increase should occur to the formula  
20           unless the funded ratio of the System is at least 80 percent funded on an

1 actuarial value basis and the accumulated assets of the Account are equal to or  
2 exceed the present value of the benefits to accrue to members.

3 (b) Creation. There is established the Postretirement Adjustment  
4 Allowance Account, to be maintained under the Retirement System, which  
5 shall be used to provide funding for postretirement adjustment formula  
6 enhancements or other benefits that may accrue to eligible members pursuant  
7 to the requirements of subsection (d) of this section.

8 (c) Funds. The Account shall consist of:

9 (1) any amounts transferred to it from the General Fund Balance  
10 Reserve established in 32 V.S.A. § 308c;

11 (2) any amounts transferred or appropriated to it by the General  
12 Assembly; and

13 (3) interest earned pursuant to subsection (d) of this section.

14 (d) Fund administration. The Postretirement Adjustment Allowance  
15 Account shall be subordinate to the retirement benefits provided by the  
16 Retirement System. Contributions to the Account shall be irrevocable, and it  
17 shall be impossible at any time before satisfaction of all liabilities to provide  
18 funding for postretirement adjustment formula enhancements or other benefits  
19 that may accrue to eligible members for any part of the corpus or income of the  
20 Account to be used for, or diverted to, any purpose other than providing  
21 funding for postretirement adjustment formula enhancements or other benefits

1 that may accrue to eligible members. All balances in the Account at the end of  
2 the fiscal year shall be carried forward, and interest earned shall remain in the  
3 Account.

4 (e) Recommendation of Board. In any fiscal year, the Board may  
5 recommend to the General Assembly that the monies in the Account be used to  
6 provide for postretirement adjustment formula enhancements or other benefits  
7 that may accrue to eligible members in the System, provided that:

8 (1) an evaluation has been conducted pursuant to section 1949b of this  
9 chapter;

10 (2) the actuary has certified that the System has a funded ratio of at least  
11 80 percent in the most recent fiscal year; and

12 (3) the actuary has certified that the Fund has sufficient assets to pay for  
13 the present value of any benefit being recommended.

14 (f) Use of funds. In the event that the General Assembly approves of the  
15 Board's recommended postretirement adjustment formula enhancements or  
16 other benefit change pursuant to subsection (e) of this section, the Board may  
17 direct that funds sufficient to pay the present value of change be charged from  
18 the Account for that purpose.

19 (g) Fund charges. In no event shall the funds charged from the Account  
20 exceed the outstanding Account balance.

21 (h) Fund assets.

1           (1) For funding purposes, any asset value utilized in the calculation of  
2           the actuarial value of assets of a system shall exclude the Account as of the  
3           asset determination date for such calculation.

4           (2) For all purposes other than funding, the funds in the Account shall  
5           be considered assets of the System.

6           (i) Definition. As used in this section, “eligible member” means:

7           (1) a member of the System who is in active service on or before  
8           June 30, 2022 and made contributions for the duration of fiscal year 2023; or

9           (2) a member of the System who is in active service on or after July 1,  
10           2022 and made contributions for at least one year.

11           Sixth: In Sec. 18, 32 V.S.A. § 308c, in subdivision (a)(3)(B), by striking  
12           out “Fund” and inserting in lieu thereof “Account”

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15           (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

FOR THE COMMITTEE