

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 University of Illinois School of Labor and Employment Relations
6 Act.

7 Section 5. School of Labor and Employment Relations;
8 autonomy. The Board of Trustees of the University of Illinois
9 shall operate the School of Labor and Employment Relations as a
10 distinct and autonomous entity within the University of
11 Illinois for the purpose of offering curricula and other
12 educational programs, at the Urbana-Champaign and Chicago
13 campuses and through extension services, in all phases of
14 industrial and labor relations to promote research in those
15 fields by maintaining a school dedicated solely to the
16 faithful, honest, and impartial inquiry into labor-management
17 problems of all types, and for the securement of such advances
18 as will lay the foundations for future progress in the field of
19 labor relations.

20 Section 900. The Illinois Pension Code is amended by
21 changing Sections 15-126.1, 15-139, 15-139.5, and 15-168.2 as
22 follows:

1 (40 ILCS 5/1-160)

2 Sec. 1-160. Provisions applicable to new hires.

3 (a) The provisions of this Section apply to a person who,
4 on or after January 1, 2011, first becomes a member or a
5 participant under any reciprocal retirement system or pension
6 fund established under this Code, other than a retirement
7 system or pension fund established under Article 2, 3, 4, 5, 6,
8 15 or 18 of this Code, notwithstanding any other provision of
9 this Code to the contrary, but do not apply to any self-managed
10 plan established under this Code, to any person with respect to
11 service as a sheriff's law enforcement employee under Article
12 7, or to any participant of the retirement plan established
13 under Section 22-101. Notwithstanding anything to the contrary
14 in this Section, for purposes of this Section, a person who
15 participated in a retirement system under Article 15 prior to
16 January 1, 2011 shall be deemed a person who first became a
17 member or participant prior to January 1, 2011 under any
18 retirement system or pension fund subject to this Section. The
19 changes made to this Section by this amendatory Act of the 98th
20 General Assembly are a clarification of existing law and are
21 intended to be retroactive to the effective date of Public Act
22 96-889, notwithstanding the provisions of Section 1-103.1 of
23 this Code.

24 (b) "Final average salary" means the average monthly (or
25 annual) salary obtained by dividing the total salary or

1 earnings calculated under the Article applicable to the member
2 or participant during the 96 consecutive months (or 8
3 consecutive years) of service within the last 120 months (or 10
4 years) of service in which the total salary or earnings
5 calculated under the applicable Article was the highest by the
6 number of months (or years) of service in that period. For the
7 purposes of a person who first becomes a member or participant
8 of any retirement system or pension fund to which this Section
9 applies on or after January 1, 2011, in this Code, "final
10 average salary" shall be substituted for the following:

11 (1) In Article 7 (except for service as sheriff's law
12 enforcement employees), "final rate of earnings".

13 (2) In Articles 8, 9, 10, 11, and 12, "highest average
14 annual salary for any 4 consecutive years within the last
15 10 years of service immediately preceding the date of
16 withdrawal".

17 (3) In Article 13, "average final salary".

18 (4) In Article 14, "final average compensation".

19 (5) In Article 17, "average salary".

20 (6) In Section 22-207, "wages or salary received by him
21 at the date of retirement or discharge".

22 (b-5) Beginning on January 1, 2011, for all purposes under
23 this Code (including without limitation the calculation of
24 benefits and employee contributions), the annual earnings,
25 salary, or wages (based on the plan year) of a member or
26 participant to whom this Section applies shall not exceed

1 \$106,800; however, that amount shall annually thereafter be
2 increased by the lesser of (i) 3% of that amount, including all
3 previous adjustments, or (ii) one-half the annual unadjusted
4 percentage increase (but not less than zero) in the consumer
5 price index-u for the 12 months ending with the September
6 preceding each November 1, including all previous adjustments.

7 For the purposes of this Section, "consumer price index-u"
8 means the index published by the Bureau of Labor Statistics of
9 the United States Department of Labor that measures the average
10 change in prices of goods and services purchased by all urban
11 consumers, United States city average, all items, 1982-84 =
12 100. The new amount resulting from each annual adjustment shall
13 be determined by the Public Pension Division of the Department
14 of Insurance and made available to the boards of the retirement
15 systems and pension funds by November 1 of each year.

16 (c) A member or participant is entitled to a retirement
17 annuity upon written application if he or she has attained age
18 67 and has at least 10 years of service credit and is otherwise
19 eligible under the requirements of the applicable Article.

20 A member or participant who has attained age 62 and has at
21 least 10 years of service credit and is otherwise eligible
22 under the requirements of the applicable Article may elect to
23 receive the lower retirement annuity provided in subsection (d)
24 of this Section.

25 (d) The retirement annuity of a member or participant who
26 is retiring after attaining age 62 with at least 10 years of

1 service credit shall be reduced by one-half of 1% for each full
2 month that the member's age is under age 67.

3 (e) Any retirement annuity or supplemental annuity shall be
4 subject to annual increases on the January 1 occurring either
5 on or after the attainment of age 67 or the first anniversary
6 of the annuity start date, whichever is later. Each annual
7 increase shall be calculated at 3% or one-half the annual
8 unadjusted percentage increase (but not less than zero) in the
9 consumer price index-u for the 12 months ending with the
10 September preceding each November 1, whichever is less, of the
11 originally granted retirement annuity. If the annual
12 unadjusted percentage change in the consumer price index-u for
13 the 12 months ending with the September preceding each November
14 1 is zero or there is a decrease, then the annuity shall not be
15 increased.

16 (f) The initial survivor's or widow's annuity of an
17 otherwise eligible survivor or widow of a retired member or
18 participant who first became a member or participant on or
19 after January 1, 2011 shall be in the amount of 66 2/3% of the
20 retired member's or participant's retirement annuity at the
21 date of death. In the case of the death of a member or
22 participant who has not retired and who first became a member
23 or participant on or after January 1, 2011, eligibility for a
24 survivor's or widow's annuity shall be determined by the
25 applicable Article of this Code. The initial benefit shall be
26 66 2/3% of the earned annuity without a reduction due to age. A

1 child's annuity of an otherwise eligible child shall be in the
2 amount prescribed under each Article if applicable. Any
3 survivor's or widow's annuity shall be increased (1) on each
4 January 1 occurring on or after the commencement of the annuity
5 if the deceased member died while receiving a retirement
6 annuity or (2) in other cases, on each January 1 occurring
7 after the first anniversary of the commencement of the annuity.
8 Each annual increase shall be calculated at 3% or one-half the
9 annual unadjusted percentage increase (but not less than zero)
10 in the consumer price index-u for the 12 months ending with the
11 September preceding each November 1, whichever is less, of the
12 originally granted survivor's annuity. If the annual
13 unadjusted percentage change in the consumer price index-u for
14 the 12 months ending with the September preceding each November
15 1 is zero or there is a decrease, then the annuity shall not be
16 increased.

17 (g) The benefits in Section 14-110 apply only if the person
18 is a State policeman, a fire fighter in the fire protection
19 service of a department, or a security employee of the
20 Department of Corrections or the Department of Juvenile
21 Justice, as those terms are defined in subsection (b) of
22 Section 14-110. A person who meets the requirements of this
23 Section is entitled to an annuity calculated under the
24 provisions of Section 14-110, in lieu of the regular or minimum
25 retirement annuity, only if the person has withdrawn from
26 service with not less than 20 years of eligible creditable

1 service and has attained age 60, regardless of whether the
2 attainment of age 60 occurs while the person is still in
3 service.

4 (h) If a person who first becomes a member or a participant
5 of a retirement system or pension fund subject to this Section
6 on or after January 1, 2011 is receiving a retirement annuity
7 or retirement pension under that system or fund and becomes a
8 member or participant under any other system or fund created by
9 this Code and is employed on a full-time basis, except for
10 those members or participants exempted from the provisions of
11 this Section under subsection (a) of this Section, then the
12 person's retirement annuity or retirement pension under that
13 system or fund shall be suspended during that employment. Upon
14 termination of that employment, the person's retirement
15 annuity or retirement pension payments shall resume and be
16 recalculated if recalculation is provided for under the
17 applicable Article of this Code.

18 If a person who first becomes a member of a retirement
19 system or pension fund subject to this Section on or after
20 January 1, 2012 and is receiving a retirement annuity or
21 retirement pension under that system or fund and accepts on a
22 contractual basis a position to provide services to a
23 governmental entity from which he or she has retired, then that
24 person's annuity or retirement pension earned as an active
25 employee of the employer shall be suspended during that
26 contractual service. A person receiving an annuity or

1 retirement pension under this Code shall notify the pension
2 fund or retirement system from which he or she is receiving an
3 annuity or retirement pension, as well as his or her
4 contractual employer, of his or her retirement status before
5 accepting contractual employment. A person who fails to submit
6 such notification shall be guilty of a Class A misdemeanor and
7 required to pay a fine of \$1,000. Upon termination of that
8 contractual employment, the person's retirement annuity or
9 retirement pension payments shall resume and, if appropriate,
10 be recalculated under the applicable provisions of this Code.

11 (i) (Blank).

12 (j) In the case of a conflict between the provisions of
13 this Section and any other provision of this Code, the
14 provisions of this Section shall control.

15 (Source: P.A. 97-609, eff. 1-1-12; 98-92, eff. 7-16-13.)

16 (40 ILCS 5/15-108.2)

17 Sec. 15-108.2. Tier 2 member. "Tier 2 member": A person who
18 first becomes a participant under this Article on or after
19 January 1, 2011, other than a person in the self-managed plan
20 established under Section 15-158.2, unless the person is
21 otherwise a Tier 1 member. The changes made to this Section by
22 this amendatory Act of the 98th General Assembly are a
23 correction of existing law and are intended to be retroactive
24 to the effective date of Public Act 96-889, notwithstanding the
25 provisions of Section 1-103.1 of this Code. A participant under

~~this Article, other than a participant in the self-managed plan under Section 15-158.2, who on or after January 1, 2011, first becomes a participant or member under any reciprocal retirement system or pension fund established under this Code.~~

(Source: P.A. 98-92, eff. 7-16-13.)

(40 ILCS 5/15-126.1) (from Ch. 108 1/2, par. 15-126.1)

Sec. 15-126.1. Academic year. "Academic year": The 12-month period beginning on the first day of the fall term as determined by each employer, or if the employer does not have an academic program divided into terms, then beginning September 1. For the purposes of Section 15-139.5 and subsection (b) of Section 15-139, however, "academic year" means the 12-month period beginning September 1.

(Source: P.A. 84-1472.)

(40 ILCS 5/15-139) (from Ch. 108 1/2, par. 15-139)

Sec. 15-139. Retirement annuities; cancellation; suspended during employment.

(a) If an annuitant returns to employment for an employer within 60 days after the beginning of the retirement annuity payment period, the retirement annuity shall be cancelled, and the annuitant shall refund to the System the total amount of the retirement annuity payments which he or she received. If the retirement annuity is cancelled, the participant shall continue to participate in the System.

1 (b) If an annuitant retires prior to age 60 and receives or
2 becomes entitled to receive during any month compensation in
3 excess of the monthly retirement annuity (including any
4 automatic annual increases) for services performed after the
5 date of retirement for any employer under this System, that
6 portion of the monthly retirement annuity provided by employer
7 contributions shall not be payable.

8 If an annuitant retires at age 60 or over and receives or
9 becomes entitled to receive during any academic year
10 compensation in excess of the difference between his or her
11 highest annual earnings prior to retirement and his or her
12 annual retirement annuity computed under Rule 1, Rule 2, Rule
13 3, or Rule 4 of Section 15-136, or under Section 15-136.4, for
14 services performed after the date of retirement for any
15 employer under this System, that portion of the monthly
16 retirement annuity provided by employer contributions shall be
17 reduced by an amount equal to the compensation that exceeds
18 such difference.

19 However, any remuneration received for serving as a member
20 of the Illinois Educational Labor Relations Board shall be
21 excluded from "compensation" for the purposes of this
22 subsection (b), and serving as a member of the Illinois
23 Educational Labor Relations Board shall not be deemed to be a
24 return to employment for the purposes of this Section. This
25 provision applies without regard to whether service was
26 terminated prior to the effective date of this amendatory Act

1 of 1991.

2 "Academic year", as used in this subsection (b), means the
3 12-month period beginning September 1.

4 (c) If an employer certifies that an annuitant has been
5 reemployed on a permanent and continuous basis or in a position
6 in which the annuitant is expected to serve for at least 9
7 months, the annuitant shall resume his or her status as a
8 participating employee and shall be entitled to all rights
9 applicable to participating employees upon filing with the
10 board an election to forgo all annuity payments during the
11 period of reemployment. Upon subsequent retirement, the
12 retirement annuity shall consist of the annuity which was
13 terminated by the reemployment, plus the additional retirement
14 annuity based upon service granted during the period of
15 reemployment, but the combined retirement annuity shall not
16 exceed the maximum annuity applicable on the date of the last
17 retirement.

18 The total service and earnings credited before and after
19 the initial date of retirement shall be considered in
20 determining eligibility of the employee or the employee's
21 beneficiary to benefits under this Article, and in calculating
22 final rate of earnings.

23 In determining the death benefit payable to a beneficiary
24 of an annuitant who again becomes a participating employee
25 under this Section, accumulated normal and additional
26 contributions shall be considered as the sum of the accumulated

1 normal and additional contributions at the date of initial
2 retirement and the accumulated normal and additional
3 contributions credited after that date, less the sum of the
4 annuity payments received by the annuitant.

5 The survivors insurance benefits provided under Section
6 15-145 shall not be applicable to an annuitant who resumes his
7 or her status as a participating employee, unless the
8 annuitant, at the time of initial retirement, has a survivors
9 insurance beneficiary who could qualify for such benefits.

10 If the participant's employment is terminated because of
11 circumstances other than death before 9 months from the date of
12 reemployment, the provisions of this Section regarding
13 resumption of status as a participating employee shall not
14 apply. The normal and survivors insurance contributions which
15 are deducted during this period shall be refunded to the
16 annuitant without interest, and subsequent benefits under this
17 Article shall be the same as those which were applicable prior
18 to the date the annuitant resumed employment.

19 The amendments made to this Section by this amendatory Act
20 of the 91st General Assembly apply without regard to whether
21 the annuitant was in service on or after the effective date of
22 this amendatory Act.

23 (Source: P.A. 97-933, eff. 8-10-12; 97-968, eff. 8-16-12;
24 98-92, eff. 7-16-13.)

25 (40 ILCS 5/15-139.5)

1 Sec. 15-139.5. Return to work by affected annuitant; notice
2 and contribution by employer.

3 (a) An employer who employs or re-employs a person
4 receiving a retirement annuity from the System in an academic
5 year beginning on or after August 1, 2013 must notify the
6 System of that employment within 60 days after employing the
7 annuitant. The notice must include a summary ~~copy~~ of the
8 contract of employment ~~or, if no written contract of employment~~
9 ~~exists, then the notice must~~ specify the rate of compensation
10 and the anticipated length of employment of that annuitant. The
11 notice must specify whether the annuitant will be compensated
12 from federal, corporate, foundation, or trust funds or grants
13 of State funds that identify the principal investigator by
14 name. The notice must include the employer's determination of
15 whether or not the annuitant is an "affected annuitant" as
16 defined in subsection (b).

17 The employer must also record, document, and certify to the
18 System (i) ~~the number of paid days and paid weeks worked by the~~
19 ~~annuitant in the academic year, (ii) the amount of compensation~~
20 ~~paid to the annuitant for employment during the academic year,~~
21 ~~and (iii) (iii) the amount of that compensation, if any, that~~
22 comes from either federal, corporate, foundation, or trust
23 funds or grants of State funds that identify the principal
24 investigator by name.

25 As used in this Section, "academic year" means the 12-month
26 period beginning September 1. ~~has the meaning ascribed to that~~

1 ~~term in Section 15-126.1; "paid day" means a day on which a~~
2 ~~person performs personal services for an employer and for which~~
3 ~~the person is compensated by the employer; and "paid week"~~
4 ~~means a calendar week in which a person has at least one paid~~
5 ~~day.~~

6 For the purposes of this Section, an annuitant whose
7 employment by an employer extends over more than one academic
8 year shall be deemed to be re-employed by that employer in each
9 of those academic years.

10 The System may specify the time, form, and manner of
11 providing the determinations, notifications, certifications,
12 and documentation required under this Section.

13 (b) A person receiving a retirement annuity from the System
14 becomes an "affected annuitant" on the first day of the
15 academic year following the academic year in which the
16 annuitant first meets ~~both of~~ the following condition
17 conditions:

18 (1) (Blank). ~~While receiving a retirement annuity~~
19 ~~under this Article, the annuitant has been employed on or~~
20 ~~after August 1, 2013 by one or more employers under this~~
21 ~~Article for a total of more than 18 paid weeks (which need~~
22 ~~not have been with the same employer or in the same~~
23 ~~academic year); except that any periods of employment for~~
24 ~~which the annuitant was compensated solely from federal,~~
25 ~~corporate, foundation, or trust funds or grants of State~~
26 ~~funds that identify the principal investigator by name are~~

1 ~~excluded.~~

2 (2) While receiving a retirement annuity under this
3 Article, the annuitant was employed on or after August 1,
4 2013 by one or more employers under this Article and
5 received or became entitled to receive during an academic
6 year compensation for that employment in excess of 40% of
7 his or her highest annual earnings prior to retirement;
8 except that compensation paid from federal, corporate,
9 foundation, or trust funds or grants of State funds that
10 identify the principal investigator by name is excluded.

11 A person who becomes an affected annuitant remains an
12 affected annuitant, except for any period during which the
13 person returns to active service and does not receive a
14 retirement annuity from the System.

15 (c) It is the obligation of the employer to determine
16 whether an annuitant is an affected annuitant before employing
17 the annuitant. For that purpose the employer may require the
18 annuitant to disclose and document his or her relevant prior
19 employment and earnings history. Failure of the employer to
20 make this determination correctly and in a timely manner or to
21 include this determination with the notification required
22 under subsection (a) does not excuse the employer from making
23 the contribution required under subsection (e).

24 The System may assist the employer in determining whether a
25 person is an affected annuitant. The System shall inform the
26 employer if it discovers that the employer's determination is

1 inconsistent with the employment and earnings information in
2 the System's records.

3 (d) Upon the request of an annuitant, the System shall
4 certify to the annuitant or the employer the following
5 information as reported by the employers, as that information
6 is indicated in the records of the System: (i) the annuitant's
7 highest annual earnings prior to retirement, (ii) ~~the number of~~
8 ~~paid weeks worked by the annuitant for an employer on or after~~
9 ~~August 1, 2013,~~ (iii) the compensation paid for that employment
10 in each academic year, and (iii) ~~(iv)~~ whether any of that
11 employment or compensation has been certified to the System as
12 being paid from federal, corporate, foundation, or trust funds
13 or grants of State funds that identify the principal
14 investigator by name. The System shall only be required to
15 certify information that is received from the employers.

16 (e) In addition to the requirements of subsection (a), an
17 employer who employs an affected annuitant must pay to the
18 System an employer contribution in the amount and manner
19 provided in this Section, unless the annuitant is compensated
20 by that employer solely from federal, corporate, foundation, or
21 trust funds or grants of State funds that identify the
22 principal investigator by name.

23 The employer contribution required under this Section for
24 employment of an affected annuitant in an academic year shall
25 be equal to 12 times the amount of the gross monthly retirement
26 annuity payable to the annuitant for the month in which the

1 first paid day of that employment in that academic year occurs,
2 after any reduction in that annuity that may be imposed under
3 subsection (b) of Section 15-139.

4 If an affected annuitant is employed by more than one
5 employer in an academic year, the employer contribution
6 required under this Section shall be divided among those
7 employers in proportion to their respective portions of the
8 total compensation paid to the affected annuitant for that
9 employment during that academic year.

10 If the System determines that an employer, without
11 reasonable justification, has failed to make the determination
12 of affected annuitant status correctly and in a timely manner,
13 or has failed to notify the System or to correctly document or
14 certify to the System any of the information required by this
15 Section, and that failure results in a delayed determination by
16 the System that a contribution is payable under this Section,
17 then the amount of that employer's contribution otherwise
18 determined under this Section shall be doubled.

19 The System shall deem a failure to correctly determine the
20 annuitant's status to be justified if the employer establishes
21 to the System's satisfaction that the employer, after due
22 diligence, made an erroneous determination that the annuitant
23 was not an affected annuitant due to reasonable reliance on
24 false or misleading information provided by the annuitant or
25 another employer, or an error in the annuitant's official
26 employment or earnings records.

1 (f) Whenever the System determines that an employer is
2 liable for a contribution under this Section, it shall so
3 notify the employer and certify the amount of the contribution.
4 The employer may pay the required contribution without interest
5 at any time within one year after receipt of the certification.
6 If the employer fails to pay within that year, then interest
7 shall be charged at a rate equal to the System's prescribed
8 rate of interest, compounded annually from the 366th day after
9 receipt of the certification from the System. Payment must be
10 concluded within 2 years after receipt of the certification by
11 the employer. If the employer fails to make complete payment,
12 including applicable interest, within 2 years, then the System
13 may, after giving notice to the employer, certify the
14 delinquent amount to the State Comptroller, and the Comptroller
15 shall thereupon deduct the certified delinquent amount from
16 State funds payable to the employer and pay them instead to the
17 System.

18 (g) If an employer is required to make a contribution to
19 the System as a result of employing an affected annuitant and
20 the annuitant later elects to forgo his or her annuity in that
21 same academic year pursuant to subsection (c) of Section
22 15-139, then the required contribution by the employer shall be
23 waived, and if the contribution has already been paid, it shall
24 be refunded to the employer without interest.

25 (h) Notwithstanding any other provision of this Article,
26 the employer contribution required under this Section shall not

1 be included in the determination of any benefit under this
2 Article or any other Article of this Code, regardless of
3 whether the annuitant returns to active service, and is in
4 addition to any other State or employer contribution required
5 under this Article.

6 (i) Notwithstanding any other provision of this Section to
7 the contrary, if an employer employs an affected annuitant in
8 order to continue critical operations in the event of either an
9 employee's unforeseen illness, accident, or death or a
10 catastrophic incident or disaster, then, for one and only one
11 academic year, the employer is not required to pay the
12 contribution set forth in this Section for that annuitant. The
13 employer shall, however, immediately notify the System upon
14 employing a person subject to this subsection (i). For the
15 purposes of this subsection (i), "critical operations" means
16 teaching services, medical services, student welfare services,
17 and any other services that are critical to the mission of the
18 employer.

19 (j) This Section shall be applied and coordinated with the
20 regulatory obligations contained in the State Universities
21 Civil Service Act. This Section shall not apply to an annuitant
22 if the employer of that annuitant provides documentation to the
23 System that (1) the annuitant is employed in a status
24 appointment position, as that term is defined in 80 Ill. Adm.
25 Code 250.80, and (2) due to obligations contained under the
26 State Universities Civil Service Act, the employer does not

1 have the ability to limit the earnings or duration of
2 employment for the annuitant while employed in the status
3 appointment position.

4 (Source: P.A. 97-968, eff. 8-16-12.)

5 (40 ILCS 5/15-145.1)

6 Sec. 15-145.1. Survivor's insurance annuities and lump sum
7 payments ~~benefits~~ for Tier 2 Members; amount. Survivor
8 eligibility, vesting, and conditions for a survivor's
9 insurance annuity and lump sum payment amount payable to a
10 survivor's insurance beneficiary of a deceased Tier 2 member
11 shall be determined under the provisions of this Article
12 applicable to survivor's insurance beneficiaries of a deceased
13 Tier 1 member; however, the amount of a survivor's insurance
14 annuity, including the annual increases thereon, shall be
15 calculated pursuant to this Section. The initial survivor's
16 insurance annuity ~~benefit~~ of a survivors insurance beneficiary
17 of a Tier 2 annuitant ~~member~~ shall be in the amount of 66 2/3%
18 of the Tier 2 member's retirement annuity at the date of death.
19 In the case of the death of a Tier 2 member who has not retired,
20 eligibility for a survivor's insurance benefit shall be
21 determined by the applicable Section of this Article. The
22 initial benefit shall be 66 2/3% of the earned annuity without
23 a reduction due to age. A survivor's insurance annuity ~~and~~
24 shall be increased (1) on each January 1 occurring on or after
25 the commencement of the annuity if the deceased Tier 2 member

1 died while receiving a retirement annuity or (2) in other
2 cases, on each January 1 occurring after the first anniversary
3 of the commencement of the benefit. Each annual increase shall
4 be calculated at 3% or one half the annual unadjusted
5 percentage increase (but not less than zero) in the consumer
6 price index-u for the 12 months ending with the September
7 preceding each November 1, whichever is less, of the originally
8 granted survivor's insurance annuity benefit. If the annual
9 unadjusted percentage change in the consumer price index-u for
10 the 12 months ending with the September preceding each November
11 1 is zero or there is a decrease, then the survivor's insurance
12 annuity benefit shall not be increased. A beneficiary of a Tier
13 2 member who elects the Portable Benefit Package provided under
14 this Article shall not be eligible for the survivor's insurance
15 annuity benefit that is provided under this Section. If 2 or
16 more persons are eligible to receive survivor's insurance
17 annuities benefits as provided under this Section based on the
18 same deceased Tier 2 member, the calculation of the survivor's
19 insurance annuities benefits shall be based on the total
20 calculation of the survivor's insurance annuity benefit and
21 divided pro rata. The changes made to this Section by this
22 amendatory Act of the 98th General Assembly are a clarification
23 of existing law and are intended to be retroactive to the
24 effective date of Public Act 96-889, notwithstanding the
25 provisions of Section 1-103.1 of this Code.

26 (Source: P.A. 98-92, eff. 7-16-13.)

1 Section 999. Effective date. This Act takes effect upon
2 becoming law.