

## HOUSE BILL No. 2659

By Representatives Essex, Thomas and L. Williams

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1 AN ACT concerning education; relating to teachers; defining teachers for  
2 purposes of the Kansas public employees retirement system;  
3 transferring teachers from the Kansas public employees retirement  
4 system act of 2015 to the Kansas public employees retirement system  
5 act of 2009; amending K.S.A. 74-49,301 and repealing the existing  
6 section.  
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) Any teacher who is first employed by a  
10 participating employer under K.S.A. 74-4931, and amendments thereto, on  
11 or after July 1, 2024, shall be a member of the system under the provisions  
12 of the Kansas public employees retirement system act of 2009, K.S.A. 74-  
13 49,201 et seq., and amendments thereto.

14 (b) On January 1, 2025, all active and inactive teacher members  
15 enrolled in the Kansas public employees retirement system act of 2015  
16 shall have such membership transferred to the group of members governed  
17 by the provisions of the Kansas public employees retirement system act of  
18 2009, K.S.A. 74-49,201 et seq., and amendments thereto. All member and  
19 employer contributions and service credit prior to January 1, 2025, shall be  
20 transferred and thereafter be treated as and governed by the provisions of  
21 the Kansas public employees retirement system act of 2009, subject to the  
22 provisions of this section. Upon transfer to the provisions of the Kansas  
23 public employees retirement system act of 2009, teachers shall be entitled  
24 to all rights and benefits of such act for all prior and future service and  
25 subject to all obligations thereof. Any benefit received under the  
26 provisions of the Kansas public employees retirement system act of 2009  
27 shall be not less than the benefit that the teacher was entitled to under the  
28 Kansas public employees retirement system act of 2015 at the time of the  
29 transfer. Participating employers under K.S.A. 74-4931, and amendments  
30 thereto, shall be subject to all obligations under the Kansas public  
31 employees retirement system act of 2009 for the teachers being transferred  
32 under this section.

33 (c) On and after January 1, 2025, employer contributions and interest  
34 as provided by K.S.A. 74-49,308, and amendments thereto, shall be used  
35 by the system to offset the cost of the transfer of teacher members to the  
36 Kansas public employees retirement system act of 2009. Members shall

1 have no right or obligation to such employer contributions and interest.

2 (d) On and after January 1, 2025, the board of trustees shall execute  
3 such transfer and take all necessary steps to ensure that such transfer of  
4 persons and assets authorized by this section does not affect the system's  
5 applicable qualification requirements for governmental plans under the  
6 federal internal revenue code.

7 (e) As used in this section, "teacher" means any professional  
8 employee who is required to hold a certificate to teach in any school  
9 district and any teacher or instructor in any technical college, community  
10 college or the institute of technology at Washburn university.

11 (f) This section shall be a part of and supplemental to the Kansas  
12 public employees retirement system act of 2009, K.S.A. 74-49,201 et seq.,  
13 and amendments thereto.

14 Sec. 2. K.S.A. 74-49,301 is hereby amended to read as follows: 74-  
15 49,301. (a) The provisions of K.S.A. 74-49,301 through 74-49,318, and  
16 amendments thereto, shall be known and may be cited as the Kansas  
17 public employees retirement system act of 2015.

18 (b) Any employee who is first employed by a participating employer  
19 on or after January 1, 2015, shall be a member of the system under the  
20 provisions of this act on the first day of employment of such employee  
21 with such participating employer.

22 (c) (1) Any non-vested employee other than an elected official of a  
23 participating employer who has been employed in a covered position as  
24 defined in K.S.A. 74-49,202, and amendments thereto, other than with a  
25 school employer, shall remain a member of the Kansas public employees  
26 retirement system as provided pursuant to K.S.A. 74-4901 et seq., and  
27 amendments thereto, on and after July 1, 2009, if the member: (A) Does  
28 not leave covered employment with a participating employer for a period  
29 of time exceeding 30 consecutive days; (B) does not withdraw such  
30 member's annuity savings account as defined by K.S.A. 74-49,302, and  
31 amendments thereto, forfeiting such member's membership in the interim;  
32 and (C) returns to covered employment with a participating employer in a  
33 covered position within such 30-day time period.

34 (2) Any non-vested employee other than an elected official of a  
35 participating employer who has been employed in a covered position with  
36 a participating school employer, shall remain a member of the Kansas  
37 public employees retirement system as provided pursuant to K.S.A. 74-  
38 4901 et seq., and amendments thereto, if the member: (A) Was employed  
39 in a covered position with a participating school employer for the duration  
40 of the school year and immediately returns to covered employment with  
41 another participating school employer at the beginning of the following  
42 school year; and (B) does not withdraw such member's annuity savings  
43 account as defined by K.S.A. 74-49,302, and amendments thereto,

1 forfeiting such member's membership in the interim.

2 (d) This act does not apply to:

3 (1) Members of the Kansas police and firemen's retirement system,  
4 K.S.A. 74-4951 et seq., and amendments thereto;

5 (2) the retirement system for judges, K.S.A. 20-2601 et seq., and  
6 amendments thereto; ~~and;~~

7 (3) security officers as provided in K.S.A. 74-4914a, and  
8 amendments thereto; *and*

9 (4) *teachers as defined in section 1, and amendments thereto, who*  
10 *are:*

11 (A) *First employed by a participating school employer on or after*  
12 *July 1, 2024; or*

13 (B) *transferred to the group of members governed by the provisions*  
14 *of the Kansas public employees retirement system act of 2009, K.S.A. 74-*  
15 *49,201 et seq., and amendments thereto, on January 1, 2025, pursuant to*  
16 *section 1, and amendments thereto.*

17 (e) A system member may not simultaneously be a member of the  
18 pre-2015 plan and the plan established pursuant to this act. A period of  
19 service may not be credited in more than one retirement plan within the  
20 system.

21 (f) The board of trustees of the Kansas public employees retirement  
22 system shall administer the provisions of this act in the same manner as the  
23 board administers the provisions of K.S.A. 74-4901 et seq., and  
24 amendments thereto, except as specifically provided in this act.

25 (g) Unless specifically provided in this act, the provisions of K.S.A.  
26 74-4901 et seq., and amendments thereto, shall be applicable to this act. In  
27 an event that a conflict exists between the provisions of this act and the  
28 provisions of K.S.A. 74-4901 et seq., and amendments thereto, the  
29 provisions of this act shall control, and to that end, no legal or contractual  
30 rights shall inure to the benefit of members or participating employers  
31 under this act with regard to the provisions of K.S.A. 74-4901 et seq., and  
32 amendments thereto, when the provisions of this act control.

33 (h) Each participating employer as provided in this act and each  
34 employee as defined by this act shall be subject to the provisions of this  
35 act as specified in this act and subject to the provisions of K.S.A. 74-4901  
36 et seq., and amendments thereto, as appropriate as to terms, conditions and  
37 requirements not specifically covered in this act. The provisions of this act  
38 shall not apply to members of the Kansas public employees retirement  
39 system as provided in K.S.A. 74-4901 et seq., and 74-49,201 et seq., and  
40 amendments thereto, first employed by a participating employer prior to  
41 January 1, 2015, unless otherwise provided in this act.

42 (i) The provisions of this act shall be *a* part of and supplemental to  
43 the provisions of K.S.A. 74-4901 et seq., and amendments thereto, subject

1 to the limitations contained in this act.

2 Sec. 3. K.S.A. 74-49,301 is hereby repealed.

3 Sec. 4. This act shall take effect and be in force from and after its

4 publication in the statute book.