

## Senate Substitute for HOUSE BILL No. 2646

By Committee on Education

3-20

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

9 New Section 1. (a) In light of the legislature's continuous review of  
10 the Kansas public employees retirement system, including the audit report  
11 by the Kansas legislative division of post audit published in February  
12 2024, titled, "Reviewing the KPERS 3 Retirement Plan," the legislature  
13 intends to continue such review in order to make changes as necessary to  
14 the Kansas public employees retirement system to ensure such system  
15 serves the purposes provided in K.S.A. 74-4901, and amendments thereto.  
16 Such changes may include transferring additional employee groups from  
17 the Kansas public employees retirement system act of 2015 to the Kansas  
18 public employees retirement system act of 2009.

19 (b) Any teacher who is first employed by a participating employer  
20 under K.S.A. 74-4931, and amendments thereto, on or after July 1, 2024,  
21 shall be a member of the system under the provisions of the Kansas public  
22 employees retirement system act of 2009, K.S.A. 74-49,201 et seq., and  
23 amendments thereto.

24 (c) On January 1, 2025, all active and inactive teacher members  
25 enrolled in the Kansas public employees retirement system act of 2015  
26 shall have such membership transferred to the group of members governed  
27 by the provisions of the Kansas public employees retirement system act of  
28 2009, K.S.A. 74-49,201 et seq., and amendments thereto. All member and  
29 employer contributions and service credit prior to January 1, 2025, shall be  
30 transferred and thereafter be treated as and governed by the provisions of  
31 the Kansas public employees retirement system act of 2009, subject to the  
32 provisions of this section. Upon transfer to the provisions of the Kansas  
33 public employees retirement system act of 2009, teachers shall be entitled  
34 to all rights and benefits of such act for all prior and future service and  
35 subject to all obligations thereof. Any benefit received under the  
36 provisions of the Kansas public employees retirement system act of 2009

1 shall be not less than the benefit that the teacher was entitled to under the  
2 Kansas public employees retirement system act of 2015 at the time of the  
3 transfer. Participating employers under K.S.A. 74-4931, and amendments  
4 thereto, shall be subject to all obligations under the Kansas public  
5 employees retirement system act of 2009 for the teachers being transferred  
6 under this section.

7 (d) On and after January 1, 2025, employer contributions and interest  
8 as provided by K.S.A. 74-49,308, and amendments thereto, shall be used  
9 by the system to offset the cost of the transfer of teacher members to the  
10 Kansas public employees retirement system act of 2009. Members shall  
11 have no right or obligation to such employer contributions and interest.

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

17 (f) As used in this section, "teacher" means any professional  
18 employee who is required to hold a certificate to teach in any school  
19 district and any teacher or instructor in any technical college, community  
20 college or the institute of technology at Washburn university.

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

24 Sec. 2. K.S.A. 74-49,301 is hereby amended to read as follows: 74-  
25 49,301. (a) The provisions of K.S.A. 74-49,301 through 74-49,318, and  
26 amendments thereto, shall be known and may be cited as the Kansas  
27 public employees retirement system act of 2015.

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

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

1 (2) Any non-vested employee other than an elected official of a  
2 participating employer who has been employed in a covered position with  
3 a participating school employer, shall remain a member of the Kansas  
4 public employees retirement system as provided pursuant to K.S.A. 74-  
5 4901 et seq., and amendments thereto, if the member: (A) Was employed  
6 in a covered position with a participating school employer for the duration  
7 of the school year and immediately returns to covered employment with  
8 another participating school employer at the beginning of the following  
9 school year; and (B) does not withdraw such member's annuity savings  
10 account as defined by K.S.A. 74-49,302, and amendments thereto,  
11 forfeiting such member's membership in the interim.

12 (d) This act does not apply to:

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

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

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

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

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

23 (B) *transferred to the group of members governed by the provisions*  
24 *of the Kansas public employees retirement system act of 2009, K.S.A. 74-*  
25 *49,201 et seq., and amendments thereto, on January 1, 2025, pursuant to*  
26 *section 1, and amendments thereto.*

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

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

35 (g) Unless specifically provided in this act, the provisions of K.S.A.  
36 74-4901 et seq., and amendments thereto, shall be applicable to this act. In  
37 an event that a conflict exists between the provisions of this act and the  
38 provisions of K.S.A. 74-4901 et seq., and amendments thereto, the  
39 provisions of this act shall control, and to that end, no legal or contractual  
40 rights shall inure to the benefit of members or participating employers  
41 under this act with regard to the provisions of K.S.A. 74-4901 et seq., and  
42 amendments thereto, when the provisions of this act control.

43 (h) Each participating employer as provided in this act and each

1 employee as defined by this act shall be subject to the provisions of this  
2 act as specified in this act and subject to the provisions of K.S.A. 74-4901  
3 et seq., and amendments thereto, as appropriate as to terms, conditions and  
4 requirements not specifically covered in this act. The provisions of this act  
5 shall not apply to members of the Kansas public employees retirement  
6 system as provided in K.S.A. 74-4901 et seq., and 74-49,201 et seq., and  
7 amendments thereto, first employed by a participating employer prior to  
8 January 1, 2015, unless otherwise provided in this act.

9 (i) The provisions of this act shall be *a* part of and supplemental to  
10 the provisions of K.S.A. 74-4901 et seq., and amendments thereto, subject  
11 to the limitations contained in this act.

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

13 Sec. 4. This act shall take effect and be in force from and after its  
14 publication in the statute book.