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

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

(b) On January 1, 2025, the Kansas public employees retirement system act of 2015, K.S.A. 74-49,301 et seq., prior to its repeal, shall be terminated and all active and inactive members enrolled in the Kansas public employees retirement system act of 2015 shall have such membership transferred to the group of members governed by the provisions of the Kansas public employees retirement system act of 2009, K.S.A. 74-49,201 et seq., and amendments thereto. All member and employer contributions and service credit prior to January 1, 2025, shall be transferred and thereafter be treated as and governed by the provisions of the Kansas public employees retirement system act of 2009, subject to the provisions of this section. Upon transfer to the provisions of the Kansas public employees retirement system act of 2009, members shall be entitled to all rights and benefits of such act for all prior and future service and subject to all obligations thereof. Any benefit received under the provisions of the Kansas public employees retirement system act of 2009 shall not be less than the benefit the member was entitled to under the Kansas public employees retirement system act of 2015 at the time of the transfer. Participating employers shall be subject to all obligations under the Kansas public employees retirement system act of 2009 for the members being transferred under this section.

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

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

(e) This section shall be a part of and supplemental to the provisions of K.S.A. 74-49,201 et seq., and amendments thereto.

Sec. 2. On January 1, 2025, K.S.A. 74-4916 is hereby amended to read as follows: 74-4916. (1) Upon the death of a member before retirement, the member's accumulated contributions shall be paid to the member's beneficiary.

(2) (a) In the event that a member dies before retirement as a result of an accident arising out of and in the course of the member's actual performance of duty in the employ of a participating employer independent of all other causes and not as a result of a willfully negligent or intentional act of the member, an accidental death benefit shall be payable if: (A) A report of the accident, in a form acceptable to the board, is filed in the office of the executive director of the board within 60 days after the date of the accident causing such death and an application for such benefit, in such form and manner as the board shall prescribe, is filed in the office of the executive director of the board within two years of the date of the accident, but the board may waive such time limits for a reasonable period if in the judgment of the board the failure to meet these limits was due to lack of knowledge or incapacity; and (B) the board finds from such evidence as it may require, to be submitted in such form and manner as it shall prescribe, that the natural and proximate cause of death was the result of an accident arising out of and in the course of the member's employment with a participating employer independent of all other causes at a definite time and place. Such accidental death benefit shall be a lump-sum amount of $50,000 and an annual amount of $1/2 of the member's final average salary, and for members who were first employed by a participating employer and covered as a member of the system under the provisions of K.S.A. 74-49,301 et seq., and amendments thereto, an annual amount of 50% of such member's salary averaged over the final three years of such member's covered employment, which shall accrue from the first day of the month following the date of death and which shall be payable in monthly installments or as the board may direct, but, after June 30, 1982, in no case shall the accidental death benefit be less than $100 per month. The accidental death benefit payments shall be paid
to the surviving spouse of such deceased member, such payments to continue so long as such surviving spouse lives or if there is no surviving spouse, or in the case the spouse dies before the youngest child of such deceased member attains age 18 or before the youngest child of such deceased member attains age 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117, and amendments thereto, or if there are one or more children of the member who are totally disabled and dependent on the member or spouse, then to the child or children of such member under age 18 or under age 23, if such child or children are full-time students as provided in K.S.A. 74-49,117, and amendments thereto, and to the child or children of the member who are totally disabled and dependent on the member or spouse, divided in such manner as the board in its discretion shall determine, to continue until the youngest surviving child dies or attains age 18 or attains age 23 if such child is a full-time student as provided in K.S.A. 74-49,117, and amendments thereto, or, in the case of the child or children who are totally disabled and dependent on the member or spouse, until death or until no longer totally disabled, or if there is no surviving spouse or child eligible for accidental death benefits under this subsection (2) at the time of the member's death, then to the parent or parents of such member who are dependent on such member, to continue until the last such parent dies. All payments due under this subsection (2) to a minor shall be made to a legally appointed conservator of such minor or totally disabled child as provided in K.S.A. 74-49,127, and amendments thereto. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act.

(b) In construction of this section of the act there shall be no presumption that the death of the member was the result of an accident nor shall there be a liberal interpretation of the law or evidence in favor of the person claiming under this subsection (2). In the event of the death of a member resulting from a heart, circulatory or respiratory condition there must be clear and precise evidence that death was the result of an accident independent of all other causes which arose out of and in the course of the member's actual performance of duties in the employ of a participating employer.

(c) The annual benefit under this subsection (2) shall be reduced by any workers compensation benefit payable. If the workers compensation benefit is paid in a lump-sum, the amount of such reduction shall be calculated on a monthly basis over the period of time for which workers
compensation benefits would have been payable had such lump-sum not
been paid. For any recipient already in receipt of such benefits on the
effective date of this act, no change in the original reduction for workers
compensation benefits shall be applicable to benefits paid prior to July 1,
1994. In the event that a member should die as a result of an accident as
described in this subsection (2), all elections or options previously made
by the deceased member shall become void and of no effect whatsoever
and the retirement system shall be liable only for the accidental death
benefit, refund of accumulated contributions as described in subsection (1)
and any insured death benefit that may be due. The benefit payable under
this subsection (2) shall be known and referred to as the "accidental death
benefit."

(3) (a) Upon the application of a member, or the member's appointing
authority acting for the member, a member who is in the employ of a
participating employer and becomes totally and permanently disabled for
duty in the employ of a participating employer, by reason of an accident
which occurred prior to July 1, 1975, may be retired by the board if: (A)(i)
The board finds the total and permanent disability to be the natural and
proximate result of an accident causing personal injury or disease
independent of all other causes and arising out of and in the course of the
member's actual performance of duties as an employee of a participating
employer; (B)(ii) a report of the accident, in a form acceptable to the board
is filed in the office of the executive director of the board within 200 days
after the date of the accident causing such injury; (C)(iii) such application
for retirement under this provision, in such form and manner as shall be
prescribed by the board, is filed in the office of the executive director of
the board within two years of the date of the accident; (D)(iv) after a
medical examination of the member has been made by or under the
direction of a medical physician or physicians or any other practitioner
holding a valid license to practice a branch of the healing arts issued by the
state board of healing arts designated by the board and the medical
physician or physicians or any other practitioner holding a valid license to
practice a branch of the healing arts issued by the state board of healing
arts report in writing to the board that the member is physically or
mentally totally disabled for duty in the employ of a participating
employer and that such disability will probably be permanent; and (E)(v)
the board finds that the member became permanently and totally disabled
on a date certain based on the evidence furnished and the professional
guidance obtained and that such disability was not the result of a willfully
negligent or intentional act of the member. If the board shall so retire the
applicant, the member shall receive annually an accidental total disability
benefit equal to \( \frac{1}{2} \) of the member's final average salary which shall accrue
from the first day of the month following the date of such accidental total
and permanent disability as found by the board payable in monthly installments or as the board may direct.

(b) In construction of this subsection—(3)—there shall be no presumption that the disability of the member was the result of an accident nor shall there be a liberal interpretation of the law or evidence in favor of the member claiming under this subsection—(3). In the event of the disability of a member resulting from a heart, circulatory or respiratory condition there must be clear and precise evidence that disability was the result of an accident independent of all other causes which arose out of and in the course of the member's actual performance of duties in the employ of a participating employer.

(c) A member will continue to receive such accidental total disability benefit so long as the member is wholly and continuously disabled by such injury and prevented thereby from engaging in any gainful occupation or employment for which the member is reasonably qualified by reason of education, training or experience. The accidental loss of both hands by actual severance through or above the wrist joint, or the accidental loss of both feet by actual severance through or above the ankle joint or the entire and irrecoverable accidental loss of sight of both eyes, or such severance of one hand and one foot, and such severance of one hand or one foot and such loss of sight of one eye, shall be deemed accidental total and permanent disability and accidental total disability benefits shall be paid so long as the member lives.

(d) Any retirant retired by reason of such accidental total and permanent disability who has been receiving benefits under the provisions of this subsection—(3)—for a period of five years shall be deemed finally retired and shall not be subject to further medical examinations, except that if the board of trustees has reasonable grounds to question whether the retirant remains totally and permanently disabled, a further medical examination or examinations may be required. Refusal or neglect to submit to examination shall be sufficient cause for suspending or discontinuing the accidental total disability benefit. If the refusal or neglect continues for a period of one year, all of the member's rights with respect to such accidental total disability benefit may be revoked by the board.

(e) In the event that a retirant who is receiving an accidental total disability benefit dies within five years after the date of the retirant's retirement, an accidental death benefit shall then be payable as provided in subsection (2) of this section.

(f) A member who retires under the provisions of this subsection—(3)—shall receive such benefits as provided in this subsection—(3)—in lieu of all other retirement benefits provided under the retirement system except that no member shall be entitled to receive any payments under this subsection (3) for a period for which insured disability benefits are received.
(g) The value, as determined by the board upon recommendation of
the actuary, of any workmen's compensation benefits paid or payable to
the recipient of an accidental total disability benefit shall be deducted from
the amount payable under this section.

(h) The benefit payable under subsection (3) of this section—
subsection shall be known and referred to as the "accidental total disability
benefit."

(4) The payment of benefits as provided in this section is subject to
the provisions of K.S.A. 74-49,123, and amendments thereto.

Sec. 3. On January 1, 2025, K.S.A. 74-4916, 74-49,301, 74-49,302,
49,309, 74-49,310, 74-49,311, 74-49,312, 74-49,313, 74-49,314, 74-
49,315, 74-49,316, 74-49,317 and 74-49,318 are hereby repealed.

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