Session of 2025

SENATE BILL No. 202

By Senators Shane, Joseph Claeys, Clifford, Corson, Pettey and Sykes

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

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

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

(b) Any teacher who is first employed by a participating employer under K.S.A. 74-4931, and amendments thereto, on or after July 1, 2025, 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.

(c) On January 1, 2026, all active and inactive teacher 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, 2026, 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, teachers 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 be not less than the benefit that the teacher was entitled to under the Kansas public employees retirement system act of 2015 at the time of the transfer. Participating employers under K.S.A. 74-4931, and amendments thereto, shall be subject to all obligations under the Kansas public employees retirement system act of 2009 for the teachers being transferred under this section.

(d) On and after January 1, 2026, 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 teacher members to the Kansas public employees retirement system act of 2009. Members shall have no right or obligation to such employer contributions and interest.

(e) On and after January 1, 2026, the board of trustees shall execute such transfer 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.

(f) As used in this section, "teacher" means any professional employee who is required to hold a certificate to teach in any school district and any teacher or instructor in any technical college or community college.

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

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

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

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

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

(d) This act does not apply to*:*

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

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

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

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

(A) First employed by a participating school employer on or after July 1, 2025; or

(B) 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, on January 1, 2026, pursuant to section 1, and amendments thereto.

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

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

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

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

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

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

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

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