

HOUSE BILL No. 2129

By Committee on Financial Institutions and Pensions

Requested by Representative L. Williams on behalf of Representative Essex

1-28

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) 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, 2025,
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, 2026, 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, 2026, 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

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

8 (d) On and after January 1, 2026, employer contributions and interest
9 as provided by K.S.A. 74-49,308, and amendments thereto, shall be used
10 by the system to offset the cost of the transfer of teacher members to the
11 Kansas public employees retirement system act of 2009. Members shall
12 have no right or obligation to such employer contributions and interest.

13 (e) On and after January 1, 2026, the board of trustees shall execute
14 such transfer and take all necessary steps to ensure that such transfer of
15 persons and assets authorized by this section does not affect the system's
16 applicable qualification requirements for governmental plans under the
17 federal internal revenue code.

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

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

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

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

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

1 employer in a covered position within such 30-day time period.

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

13 (d) This act does not apply to:

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

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

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

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

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

24 (B) *transferred to the group of members governed by the provisions*
25 *of the Kansas public employees retirement system act of 2009, K.S.A. 74-*
26 *49,201 et seq., and amendments thereto, on January 1, 2026, pursuant to*
27 *section 1, and amendments thereto.*

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

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

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

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

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

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

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