

## 2012 Kansas Statutes

**74-4904. Actions brought by or against the system; personal liability of trustees, officers, employees and agents; settlements as public records; process; hearings involving orders or decisions of the board; review.** (1) The system may sue and be sued in its official name, but its trustees, officers, employees and agents shall not be personally liable for acts of the system unless such person acted with willful, wanton or fraudulent misconduct or intentionally tortious conduct. Any agreement in settlement of litigation involving the system and the investment of moneys of the fund is a public record as provided in K.S.A. 45-215 et seq., and amendments thereto and subject to the provisions of that act. The service of all legal process and of all notices which may be required to be in writing, whether legal proceedings or otherwise, shall be had on the executive director at such executive director's office. All actions or proceedings directly or indirectly against the system shall be brought in Shawnee county.

(2) Any person aggrieved by any order or decision of the board made without a hearing, may, within 30 days after notice of the order or decision of the board make written request to the board for a hearing thereon. The board shall hear such party or parties in accordance with the provisions of the Kansas administrative procedure act at its next regular meeting or at a special meeting within 60 days after receipt of such request. For the purpose of any hearing under this section, the board may appoint the executive director or use a presiding officer from the office of administrative hearings. The board shall review an initial order resulting from a hearing under this section. The board is hereby authorized to enter into a contract with the office of administrative hearings and to provide for reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer.

**History:** L. 1961, ch. 427, § 4; L. 1963, ch. 412, § 2; L. 1974, ch. 335, § 1; L. 1988, ch. 356, § 291; L. 1992, ch. 321, § 23; L. 1993, ch. 227, § 11; L. 1998, ch. 201, § 10; L. 2001, ch. 209, § 6; L. 2004, ch. 145, § 29; July 1, 2005.