

**61.685 Records -- Audits -- System's authority to enforce its powers -- Limitation of liability.**

- (1) Notwithstanding the provisions of KRS Chapter 413, upon discovery of any error or omission in system records, the system shall correct all records including, but not limited to, membership in the system, service credit, member and employer contributions, and benefits paid or payable. The system may conduct audits to detect possible fraud, misrepresentation, and change in circumstance, which may result in errors or omissions in the system's records. The system, by its executive director or by representatives appointed in writing by the executive director, may take testimony or depositions, and may examine records, documents, or files of any person whose records, documents, or files may furnish knowledge concerning any system records, when the executive director or representative deems this reasonably necessary for purposes incident to the performance of the system's functions. The system may enforce these powers by application to the Franklin Circuit Court, which court may compel compliance with the orders of the executive director or representatives appointed by the executive director.
- (2) Neither the board nor any of its individual members shall be liable to any person for any claim arising from the failure of any participating employer, or any employer who should have been participating in any retirement system operated by the board, to make retirement contributions on behalf of the person.

**Effective:** July 13, 2004

**History:** Amended 2004 Ky. Acts ch. 36, sec. 28, effective July 13, 2004. -- Amended 1996 Ky. Acts ch. 167, sec. 20, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 485, sec. 24, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 240, sec. 47, effective July 14, 1992. -- Amended 1972 Ky. Acts ch. 116, sec. 57. -- Created 1956 Ky. Acts ch. 110, sec. 36.