

**75-6214. Same; right to hearing, when; refund of amounts improperly setoff.** (a) Upon written request to the director, any debtor against whom setoff has been effected may have a hearing thereon if:

- (1) The debtor alleges that either such debtor did not receive actual notice of the right to request a hearing thereon or that the debtor did not use the opportunity for a hearing;
- (2) less than two years have elapsed since the setoff was effected; and
- (3) the debtor alleges that the setoff was improper.

(b) Hearings under this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Orders resulting from hearings under this section shall not be subject to administrative review. If it is determined that the setoff was improper, the debtor shall be entitled to a refund of the sum improperly setoff. The director of accounts and reports shall cause such refund to be paid from the fund or funds of any state agency to which the amounts which were setoff were credited. In the case of a foreign state agency or municipality, the director shall direct a refund of the amount improperly setoff. The amount of any such refund shall be in addition to and shall not be included in computing expenditures credited against any expenditure limitation imposed on any such fund.

**History:** L. 1981, ch. 342, § 14; L. 1988, ch. 356, § 310; L. 1993, ch. 232, § 12; July 1.