

To: House Local Government Committee  
From: John Goodyear, General Counsel  
Date: February 12, 2025  
RE: Neutral Testimony on HB 2160

I want to thank Chairman Berquist and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide our thoughts on HB 2160.

HB 2160 creates a cause of action for municipal employees when their employer prohibits them from sharing certain information or takes disciplinary action for sharing that information. The League takes no position on the legislation as presented – municipal employees have the First Amendment right to share items that are within the public interest, so much of the information covered by this new bill, if not all, is protected by the First Amendment. On the other side of the issue, the protections provided to the municipal employer in subsection (d) provide an appropriate balance and protect the information that should not be shared with the public.

The language in this bill largely mirrors the protections afforded to state employees found in K.S.A. 75-2973. The differences in the language are the crux of my testimony today. While the two Acts would be very similar, HB 2164 adds this language not found in the Act for state employees:

- (4) disclosed malfeasance or other misappropriation of moneys held by such municipality to any person, agency or organization; or
- (5) disclosed a substantial and specific danger to public health or safety to any person, agency or organization.

The League questions the need for these provisions – it is our position that information shared under these provisions would already fall within the broader protections established in subsections (c)(1) and (c)(2).

There is also some concern among our members that this allows departure from a set chain of commands. Many cities have established procedures to report concerns and violations of law. These procedures are put in place to make supervisory members of staff aware of the potential violations and give them the ability to correct the behavior and respond to the claim. This legislation should not interfere with these procedures – instead, these protections should apply when the employee follows the appropriate procedure, and nothing is done to address their concerns.

The League is grateful for the opportunity to weigh in on HB 2160. We respectfully request that if the bill moves forward, the Committee examine the need for departing from the Act for state employees and consider adopting the same language found in that Act. Further, we request that you take employer policies on reporting violations into account.