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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairperson Bergquist
Members of the House Committee on Local Government

From: The Office of Revisor of Statutes

Date: February 12, 2025

Subject: HB 2160 – Enacting the Kansas Municipal Employee Whistleblower Act to provide statutory protections for municipal employees who report or disclose unlawful or dangerous conduct.

House Bill No. 2160 (HB 2160) enacts the Kansas Municipal Employee Whistleblower Act (Act). Currently, there is a Kansas Whistleblower Act, K.S.A 75-2973, that provides legal protection for state employees who report or disclose unlawful or dangerous actions by state agencies. Under both acts, an employer cannot prohibit or take disciplinary action against an employee for engaging in certain conduct. Disciplinary action is defined to include dismissal, demotion, transfer, reassignment, suspension, reprimand, warnings, and withholding of work.

HB 2160 provides municipal employees protection from disciplinary action for the same conduct as the state employee act, which includes:

- Discussion of agency operations, including matters relating to public health, safety, and welfare, with legislators and auditing agencies;
- Reporting violations of state or federal law, or rules and regulations; and
- No requirement to give notice to a supervisor prior to making any report of violations.

However, the bill also provides municipal employees with protection for disclosing malfeasance or misappropriation of money and disclosing substantial and specific dangers to public health and safety.

As with the state employee law, under HB 2160, an employer would be permitted to:

- Require an employee to inform the supervisor of any information provided to a legislator or auditing agency when a request was made;

- Require the employee to follow all official leave policies unless the employee is requested to appear before a legislative committee or auditing agency;
- Prohibit an employee from expressing their own personal opinions as those of the municipality; and
- Take disciplinary action if the employee discloses information: (1) The employee knows to be false or recklessly disregards the truth or falsity of; (2) is exempt from disclosure under the Open Records Act; or (3) is confidential or privileged.

An employee who is aggrieved by a violation of the Act can file an action in district court within 90 days for damages, equitable relief, court costs, and attorney and witness fees.

The Act is only applicable to counties, cities, and school districts. Each such municipality is required to post a copy of the Act in locations where it can reasonably be expected to be viewed by employees of the municipality.

If enacted, HB 2160 would become effective on July 1, 2025.