

February 13, 2025

The Honorable Emil Bergquist, Chairperson
House Committee on Local Government
300 SW 10th Avenue, Room 281-N
Topeka, Kansas 66612

Dear Representative Bergquist:

SUBJECT: Fiscal Note for HB 2160 by House Committee on Local Government

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2160 is respectfully submitted to your committee.

HB 2160 would create the Kansas Municipal Whistleblower Act. The bill would prohibit a supervisor or appointing authority of any municipality from taking any disciplinary action against an employee because the employee discussed operations of the municipality or other matters of public concern with any member of the Legislature or any auditing agency; reported a violation of law, rule and regulation, or resolution or ordinance; failed to give notice to the supervisor or appointing authority prior to reporting a violation of law; disclosed malfeasance or other misappropriation of moneys; or disclosed a substantial and specific danger to public health or safety. The bill would specify that its provisions could not be construed to prohibit a supervisor or appointing authority from requiring an employee to inform them regarding legislative or auditing agency requests for information, permit an employee to leave their assigned work areas without following policies unless requested by the Legislature or an auditing agency, authorize an employee to represent their personal opinions as the opinions of the municipality, or prohibit certain disciplinary actions for disclosure of information. Any officer or employee of a municipality that alleges disciplinary action has been taken against them in violation of the bill may bring an action against the employer in court. The bill would require each municipality to post a copy of the Act in a location in which it will come to the attention of all employees.

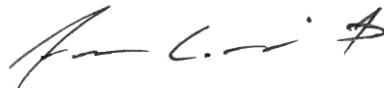
The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it allows a party to file a civil action. This would increase time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees in cases filed under

the provisions of the bill, which would be deposited into the State General Fund. However, a fiscal effect cannot be estimated.

The Division of Legislative Post Audit indicates enactment of the bill would not have a fiscal effect on the agency. Any fiscal effect associated with HB 2160 is not reflected in *The FY 2026 Governor's Budget Report*.

The League of Kansas Municipalities and the Kansas Association of Counties indicate enactment of the bill could increase expenditures related to costs of defending claims. However, a precise fiscal effect cannot be estimated.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish or symbol.

Adam C. Proffitt
Director of the Budget

cc: Kristen Rottinghaus, Division of Post Audit
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Trisha Morrow, Judiciary