

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

As Amended by House Committee

Session of 2025

HOUSE BILL No. 2160

By Committee on Local Government

Requested by Representative Barth

1-30

1 AN ACT concerning municipalities; enacting the Kansas municipal
2 employee whistleblower act; establishing legal protections for certain
3 municipal employees who report or disclose unlawful or dangerous
4 conduct; ***providing an administrative appeal process for***
5 ***municipalities.***
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) This section shall be known and may be cited as the
9 Kansas municipal employee whistleblower act.

10 (b) As used in this section:

11 (1) "Auditing agency" means:

12 (A) The legislative post auditor;

13 (B) any employee of the division of post audit;

14 (C) any firm performing audit services pursuant to a contract with the
15 post auditor;

16 (D) any state agency or federal agency or authority performing
17 auditing or other oversight activities under authority of any provision of
18 law authorizing such activities; or

19 (E) the inspector general established under K.S.A. 75-7427, and
20 amendments thereto.

21 (2) "Disciplinary action" means any dismissal, demotion, transfer,
22 reassignment, suspension, reprimand, warning of possible dismissal or
23 withholding of work.

24 (3) **"Malfeasance" means unlawful conduct committed by any**
25 **member of the governing body of a municipality or any officer or**
26 **other employee thereof.**

27 (4) **"Misappropriation" means the unauthorized or unlawful**
28 **expenditure or transfer of moneys held by a municipality.**

29 (5) "Municipality" means any county, city or unified school district or
30 any office, department, division, board, commission, bureau, agency or
31 unit thereof.

1 (c) No supervisor or appointing authority of any municipality shall
2 prohibit any of the following or take any disciplinary action against an
3 employee of such municipality because such employee:

4 (1) Discussed the operations of the municipality or other matters of
5 public concern, including matters relating to the public health, safety and
6 welfare either specifically or generally, with any member of the legislature
7 or any auditing agency;

8 (2) reported a violation of state or federal law, municipal resolution or
9 ordinance or any rules and regulations adopted pursuant such law,
10 resolution or ordinance to any person, agency or organization;

11 (3) failed to give notice to the supervisor or appointing authority prior
12 to making any report described in paragraph (2); **or**

13 (4) disclosed malfeasance or other misappropriation of moneys held
14 by such municipality to any person, agency or organization; ~~or~~

15 ~~(5) disclosed a substantial and specific danger to public health or~~
16 ~~safety to any person, agency or organization.~~

17 (d) This section shall not be construed to:

18 (1) Prohibit a supervisor or appointing authority from requiring that
19 an employee inform the supervisor or appointing authority regarding
20 legislative or auditing agency requests for information submitted to such
21 municipality or the substance of testimony made, or to be made, by the
22 employee to legislators or the auditing agency on behalf of such
23 municipality;

24 (2) permit an employee to leave the employee's assigned work areas
25 during normal work hours without following applicable rules and
26 regulations and policies pertaining to employee leave unless the employee
27 is requested by a legislator or legislative committee to appear before a
28 legislative committee or by an auditing agency to appear at a meeting with
29 officials of the auditing agency;

30 (3) authorize an employee to represent the employee's personal
31 opinions as the opinions of such municipality; or

32 (4) prohibit disciplinary action of an employee who discloses
33 information that:

34 (A) The employee knows to be false or that the employee discloses
35 with reckless disregard for the truth or falsity of such information ***or due***
36 ***to a corrupt motive rather than a good faith concern for a wrongful***
37 ***activity;***

38 (B) the employee knows to be exempt from required disclosure under
39 the open records act; or

40 (C) is confidential or privileged under state or federal law or court
41 rule.

42 (e) ***(1) {Except for officers or employees eligible to administratively***
43 ***appeal disciplinary actions pursuant to paragraph (2), }***any officer or

1 employee of a municipality who alleges that disciplinary action has been
2 taken against such officer or employee in violation of this section may
3 bring an action in a court of competent jurisdiction within 90 days after the
4 occurrence of the alleged violation seeking damages and any other
5 equitable relief the court deems necessary. The court may award the
6 prevailing party in the action all or a portion of the costs of the action,
7 including reasonable attorney fees and witness fees.

8 ***(2) In any municipality that creates an administrative process to***
9 ***adjudicate disciplinary actions against employees of the municipality,***
10 ***any officer or employee of the municipality who is eligible to appeal***
11 ***disciplinary actions to such adjudicative body may appeal to such body***
12 ***whenever such officer or employee alleges that disciplinary action was***
13 ***taken against such officer or employee in violation of this act. The***
14 ***appeal shall be filed within 90 days after the alleged disciplinary action.***
15 ***If such body finds that the disciplinary action taken was unreasonable,***
16 ***such body shall modify or reverse the ~~auditing agency's~~ municipality's***
17 ***action and order such relief for the employee as such body considers***
18 ***appropriate. Any party may appeal a decision of such governing body***
19 ***under the Kansas judicial review act, K.S.A. 77-601 et seq., and***
20 ***amendments thereto.***

21 (f) Each municipality shall prominently post a copy of this act in
22 locations where it can reasonably be expected to come to the attention of
23 all employees of such municipality.

24 ***(g) Nothing in this act shall be construed to negate or supersede***
25 ***any provision of law providing protection against liability to a legislator***
26 ***for any act or failure to act, impose any liability against a legislator for***
27 ***any act or failure to act or create a duty upon a legislator to take any***
28 ***action based on any information that may be shared with a legislator by***
29 ***a municipal employee or any other person.***

30 Sec. 2. This act shall take effect and be in force from and after its
31 publication in the statute book.