

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2160

As Amended by House Committee on Local
Government

Brief*

HB 2160, as amended, would establish the Kansas Municipal Employee Whistleblower Act to provide legal protections for municipal employees who report conduct that is dangerous or unlawful.

Definitions

The bill would define the following terms:

- “Auditing agency” would mean:
 - The Legislative Post Auditor;
 - Any employee of the Division of Post Audit;
 - Any firm performing audit services pursuant to a contract with the Post Auditor;
 - Any state or federal agency or authority performing auditing or other oversight activities under authority of any provision of law authorizing such activities; or
 - The Inspector General per KSA 75-7427;
- “Disciplinary action” would mean any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal, or withholding of work;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

- “Malfeasance” would mean unlawful conduct committed by any member of the governing body of a municipality or any officer or other employee thereof;
- “Misappropriation” would mean unauthorized or unlawful expenditure or transfer of moneys held by a municipality; and
- “Municipality” would mean any county, city, or unified school district, or any office, department, division, board, commission, bureau, agency, or unit thereof.

Kansas Municipal Employee Whistleblower Act

The bill would prohibit any supervisor or appointing authority of a municipality from prohibiting any of the following or taking disciplinary action against an employee for:

- Discussing municipality operations or other matters of public concern, including public health, safety, or welfare, with any member of the Legislature or an auditing agency;
- Reporting a violation of state or federal law, municipal resolution, or adopted rules and regulations, resolution, or ordinance;
- Failing to give notice of a report filed to the supervisor or appointing authority prior to the report being filed; or
- Disclosing malfeasance or misappropriation of moneys held by a municipality.

The bill would not be construed to:

- Prohibit a supervisor or appointing authority from requiring an employee inform such authorities

about legislative or auditing requests for information submitted to the municipality or made, or to be made, by an employee to the Legislature or an auditing agency on behalf of the agency;

- Allow an employee to leave assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to employee leave unless requested by the Legislature or an auditing agency;
- Authorize an employee to represent an employee's personal opinions as those of the municipality; or
- Prohibit disciplinary action of an employee who discloses information that:
 - The employee knows to be false or is disclosed with reckless regard for the truth or falsity of such information;
 - The employee knows to be exempt from required disclosure under the open records act; and
 - Is confidential or privileged under state law, federal law, or court rule.

The bill would state that any disciplinary action that is alleged to have taken place may be brought to a court of competent jurisdiction within 90 days after the occurrence of the alleged violation seeking damages and any other relief the court deems necessary. The court may award the prevailing party all or a portion of the costs of the action, including reasonable attorney fees and witness fees.

Each municipality would be required to post a copy of the Act in locations where it may come to the attention of all employees.

Background

The bill was introduced by the House Committee on Local Government at the request of Representative Barth.

House Committee on Local Government

In the House Committee hearing, **proponent** testimony was provided by Representative Barth and a private citizen. The proponents stated there is a need to protect people at all levels of government, and the bill would put a process in place for people to utilize when they want to help but have concerns about being protected. The proponents also stated the bill is modeled after the Kansas Whistleblower Act, which protects state employees.

Written-only proponent testimony was provided by three Bourbon County officials and eight private citizens.

Neutral testimony was provided by representatives from the League of Kansas Municipalities and the Kansas Association of Counties, who noted that some definitions could be added to the bill to clarify language. Additionally, they asked that subsection (c)(5) be stricken due to repetition.

Written-only opponent testimony was provided by a representative of the City of Overland Park, stating that the bill would increase costs for taxpayers due to litigation brought as a result of the bill. The testimony also expressed concerns regarding the scope of protections and the differences between whistleblower statutes (KSA 75-2973) and the bill.

The House Committee amended the bill to:

- Define “malfeasance” and “misappropriation”; and
- Strike language regarding any person, agency, or organization disclosing substantial and specific

danger to public health or safety to any person, agency, or organization.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, 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 non-judicial 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 Post Audit indicates enactment of the bill would not have a fiscal effect on the agency. Any fiscal effect associated with enactment of the bill 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.

Municipalities; whistleblower; legal protections; dangerous or unlawful conduct