

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.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

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

9 (b) As used in this section:

10 (1) "Auditing agency" means:

11 (A) The legislative post auditor;

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

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

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

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

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

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

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

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

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

34 (1) Discussed the operations of the municipality or other matters of  
35 public concern, including matters relating to the public health, safety and

1 welfare either specifically or generally, with any member of the legislature  
2 or any auditing agency;

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

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

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

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

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

13 (1) Prohibit a supervisor or appointing authority from requiring that  
14 an employee inform the supervisor or appointing authority regarding  
15 legislative or auditing agency requests for information submitted to such  
16 municipality or the substance of testimony made, or to be made, by the  
17 employee to legislators or the auditing agency on behalf of such  
18 municipality;

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

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

27 (4) prohibit disciplinary action of an employee who discloses  
28 information that:

29 (A) The employee knows to be false or that the employee discloses  
30 with reckless disregard for the truth or falsity of such information;

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

33 (C) is confidential or privileged under state or federal law or court  
34 rule.

35 (e) Any officer or employee of a municipality who alleges that  
36 disciplinary action has been taken against such officer or employee in  
37 violation of this section may bring an action in a court of competent  
38 jurisdiction within 90 days after the occurrence of the alleged violation  
39 seeking damages and any other equitable relief the court deems necessary.  
40 The court may award the prevailing party in the action all or a portion of  
41 the costs of the action, including reasonable attorney fees and witness fees.

42 (f) Each municipality shall prominently post a copy of this act in  
43 locations where it can reasonably be expected to come to the attention of

1 all employees of such municipality.

2 Sec. 2. This act shall take effect and be in force from and after its

3 publication in the statute book.