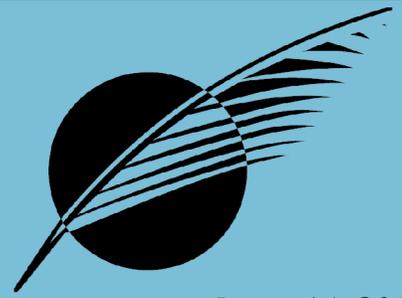


THE KANSAS PUBLISHER



OFFICIAL MONTHLY PUBLICATION OF THE KANSAS PRESS ASSOCIATION

JUNE 14, 2017

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Go here for a recap of the 2017 legislative session.

KPA CALENDAR

AUG. 31

KPA Northwest District meeting, Oberlin.

SEPT. 1

KPA Southwest District meeting, Dodge City.

SEPT. 8

KPA Central District meeting, Mulvane.

OCT. 5-7

National Newspaper Association 131st annual Convention and Trade Show, Tulsa.

OCT. 20

KPA Southeast District meeting, Parsons.

NOV. 10

KPA Northeast District meeting, Topeka.



Tom Eblen (back center) never stopped teaching. After a long stint as general manager of The University Daily Kansan, he served almost two decades

with the Kansas Press Association as a news consultant. He died Saturday, June 10, in Prairie Village after a long illness.

Eblen: journalist, teacher, mentor

His red pen, quick wit taught students how to do it the right way

By Julie Adam

William Allen White School of Journalism

Tom Eblen, former general manager and news adviser for The University Daily Kansan at the School of Journalism at KU, died June 10 in Prairie Village. He was 80.



Tom Eblen

Eblen joined the William Allen White School of Journalism and Mass Communications as the Kansan adviser in 1986 and retired in 2001.

He was born in St. Joseph, Mo., on Nov. 1, 1936. His interest in journalism started while taking photos for his high school newspaper. One of his photos won a state prize

when he was a senior in high school and that led him to the journalism program at the University of Missouri, from which he graduated in 1958.

Early in his career, he worked at newspapers in Columbia, Mo. and Amarillo before joining

The Kansas City Star in 1960. He worked his way through the ranks as a reporter, copy editor, assistant city editor, city editor and managing editor. In 1979, he was managing editor for both The Star and The Kansas City Times.

In 1979-80, he taught at KU as the Gannett Foundation professional in residence but left with plans to buy his own newspaper. However, he put that dream aside to work for the Fort Scott Tribune as editor and general manager until he joined the J-School in 1986 as the Kansan adviser.

Eblen, who also taught Advanced Reporting and Advanced Editing, always had an open-door policy and would make time to talk to a student about classes or the Kansan or life in general.

Services still pending

The Eblen family continues to plan memorial services and will be making an announcement in the next few days.

See **ELEN** on Page 5

CJR does great disservice in article on public notice

By Richard Karpel
Public Notice Resource Center

In a recent article in Columbia Journalism Review, Liena Zagare and Ben Smith argue that local governments should move public notice and other civic advertising from newspapers to local-news websites like their own BKLYNER.

To buttress their case, they claim that a newspaper in their borough, the Brooklyn Eagle, recently had “three of its 12 pages entirely covered” by advertising designed to “make sure taxpayers see how their money is being spent, and to prevent officials from hiding corrupt deals.” But those three pages of advertising in the Eagle were placed by law firms, not public officials. And its purpose was to provide official notice of courtroom process, not public spending. That’s a pretty glaring mistake. Surely, CJR would want to correct the record, right?

We thought so too, but CJR disagrees.

However, we’re less interested in CJR’s editorial policy than in what the mistake illustrates about the authors’ understanding of public notice: It is sorely lacking. And people who write about subjects they know little about tend to spread misinformation, which is what Zagare and Smith have done.

They assert that city governments face a stark choice: Either continue running public notice and other civic advertising in “fading print publications or, seek to reach a vibrant online audience in the new online media.”

Actually, local governments have a third option: They can run their advertising in both a local newspaper and on the newspaper’s website. This happens to be the option that most local governments presently exercise. Why? Because the great majority of newspapers eligible to publish public notice advertising now also run the notices online at no additional cost. In fact, this practice is now so common that 12 states have passed laws requiring it. These measures were passed with the support of the newspaper industry.

Zagare and Smith are not the first to proffer a spurious choice between news-

papers and the internet. Legislators who introduce bills to move public notice from newspapers to government websites frame their proposals in the same false light. They do so despite the fact that at least 35 million people still read a newspaper every day and local-newspaper digital traffic almost always dwarfs the online traffic of government websites. The willful blindness of some lawmakers on this issue is one of the reasons state press associations have felt the need to pursue legislation requiring their members to run public notices on the web.

Zagare and Smith appeal to public officials to shift advertising from “zombie” community newspapers to “vibrant” local-news websites. Leave aside for the moment the monumental self-regard that leads them to suggest that only their “heroic” websites are capable of holding local officials accountable. Their appeal is both naive and misguided.

Legislation has been introduced this year in 21 states that would shift public notice from local newspapers and their digital editions to government websites. In most cases, the bills are backed by public officials, like New Jersey Gov. Chris Christie, who have little interest in providing public notice. Their real goal is to hurt the newspapers

that cover them. The notion that these same officials will see the light and support critical journalism that holds them accountable is a pipe dream.

Moreover, it is not the role of government to pick winners and losers in the media. If politicians had the power to specifically direct the placement of public notice advertising, there’s little doubt that many would use it

to reward favorable reporting while punishing less-flattering coverage.

Zagare and Smith also neglect to address fundamental differences between the print and online experiences and how they impact the ability to provide citizens with effective notice of official action. Reading a printed newspaper is a serendipitous experience; it encourages readers to view stories and

Print is also still far superior to the internet at providing assurance that a particular notice was published and conformed with the law. Digital information can easily be intentionally or accidentally altered or erased after it is posted ...

See NOTICE on Page 5

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The power of repetition ... the power of repetition

Catherine climbed the ranks from sales person to sales manager at her paper. “Although I’ve been in the business for a long time,” she told me, “there’s always a new way to look at advertising.”

She mentioned a recent trip to a fast food restaurant. “I was between meetings in a nearby town and needed a quick lunch. So I dropped by McDonalds. It had been over a year since my last trip to a McDonalds, and I was trying to choose between two of their trademark products, a Big Mac and a Quarter Pounder. I was planning to ask the cashier about the ingredients in the Big Mac, then all of a sudden I remembered their famous television jingle from my childhood. ‘Two all-beef patties, special sauce, lettuce, cheese, pickles, onions on a sesame seed bun.’ I hadn’t thought about that in years, but it was in my memory bank. I did an online search later and was proud that had I remembered every ingredient in the proper order.”

That McDonalds campaign ran for about a year and a half in the mid-Seven-



John Foust

ties. And 40 years later, Catherine still remembered. That’s the power of repetition.

Would she have remembered the jingle if it had run only one time? Not a chance.

Did you learn the multiplication tables by going through them one time? What about the alphabet? Can you hear a new song one time and sing along the next time you hear it on the radio?

Catherine’s experience reinforced her belief in the importance of repetition in advertising. “I remember one advertiser – an apartment developer – who wanted to run a splashy grand opening ad. But he didn’t want to run anything at all after that. He figured the grand opening would create so much buzz in the market that he wouldn’t need to advertise any more for a long time. In the short run, it would have been nice for my paper to have that full-page, full color ad, but we knew it would have been a waste of his budget. We worked hard to talk him into turning that full-page budget into a mini-campaign that stretched over several weeks. We felt if we could demonstrate the value of repeating his message – with measurable results – then we could

talk about extending the campaign. Our strategy worked, and he became a consistent advertiser.”

Catherine explained that her team tells advertisers about two key principles of advertising: reach and frequency. How many people will they reach? And how frequently will they reach them? Yes, a business can run one ad one time and reach all the readers in her paper’s distribution base. But without frequency, there’s little chance for success.

“Most of the time, it’s a simple concept for advertisers to understand,” she said. “Once they realize that repetition is a solid strategy, they are willing to hear how to make it work. Everybody wins. They get better results and we increase our ad count.”

Her team tells advertisers about two key principles of advertising: reach and frequency. How many people will they reach? And how frequently will they reach them?

John Foust has conducted training programs for thousands of newspaper advertising professionals. Many are using his training videos to save time and get quick results from in-house training. E-mail for information at jfoust@mindspring.com.

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NEWSMAKERS

Richard Gannon, director of governmental affairs for the Kansas Press Association, was recognized by the Kansas Sunshine Coalition for Open Government with its “Above and Beyond” award for his outstanding service to open government in Kansas.

He is retiring from KPA at the end of July after representing the association during the past 14 legislative sessions.

Kiera Rook, a Montgomery County

native, is the new editor of the Coffeyville Journal. She is the step-granddaughter of Richard M. Seaton.

Judy Beach is the new bookkeeper for the Kansas Press Association.

Beach is a native of northeast Kansas and has a master’s in business administration degree and taught accounting at Topeka Technical College.

She succeeds **Lori Cuellar**, who resigned to take an accounting position in Emporia.

MAY KDAN, KCAN WINNERS

The following newspapers sold either direct placement, Kansas Display Ad Network, Kansas Classified Ad Network or out-of-state network ads in May.

Remember, if you sell a KDAN or KCAN, which run in almost 150 Kansas newspapers, you keep half the money.

Sell one outside of Kansas (SDAN or SCAN) or do direct placement in other papers and keep half the commission allowed to KPA.

KCAN — GateHouse Media sold four ads for \$600 profit.

KDAN — Anderson County Review sold three ads for a profit of \$2,475; the Ellsworth County Independent-Reporter sold one ad for a \$450 profit.

DIRECT PLACEMENT — Hays Daily News.

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LSA Creative is the premiere “movement” combining the best advertising-specific content with the experts who help businesses market to local consumers.

Access the content you’ve come to rely on with Creative Outlet and now as LSA, we can help you create customer pitches, circulars/fliers, social media imagery and many other print and digital graphics. LSA Creative is here to assist you when you need to keep your advertising & production in harmony.

LSA CREATIVE OUTLET
www.creativeoutlet.com • sales@creativeoutlet.com
309-690-5324

Let's find different, exciting ways to deliver news

In a speech to the House of Commons in June of 1940, British Prime Minister Winston Churchill said:

“Of this I am quite sure, that if we open a quarrel between the past and the present, we shall find that we have lost the future.”

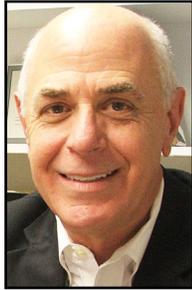
I believe that has tremendous relevance to our industry today.

For the last decade, we have been debating the future of newspapers, and whether they are dead in the water, or actually have some life left.

We oft times have held a steel grip on the past, producing paper products that look and feel the same as they have for generations because, well, that's what our journalistic forebears did, and that's what we will continue to do.

We cover the same city council and county commission meetings. We do the same Back to School sections every August. We do mirror copies of Progress editions every September.

We walk into the same stores and small businesses each and every month, offering to sell them advertising space just like last week, or last month, or last year – with a pick up discount if they just want to run



Olaf Frandsen

last year's ad again.

And we wonder why our readership is down, our ad revenues are down, and we have fewer subscribers than we did a decade ago.

Is it not the definition of insanity to do the same thing over and over again, and expect a different result?

Of course it is. And as guardians of our communities, it is incumbent on us to find different and exciting ways of informing our readers so that our advertising customers are reaching the audiences they want.

Not an easy concept to grasp, nor is it an easy mountain to climb. But climb we must, keeping an eye on where the future is leading us, and being adept enough at hoisting our sails into the winds that will carry us, and our mission, into the future for the next several decades.

Does that mean our mission has changed, too? No, it doesn't.

I still believe the pen is mightier than the sword, and it should – and can – be

carried every day with pride, not prejudice. We owe it to our communities to keep information flowing so they can better manage their own lives, and keep an eye on what is important to them and their families.

But I do advocate we adjust how we deliver that information that best reflects today's technology and lifestyles.

Is there still room in today's world for a printed product delivered on doorsteps and metal boxes on street corners? Yep, without a doubt.

But to ignore the fact that information today is distributed

instantaneously, unfettered and raw to the very people we intend to reach would be an error in judgment.

We have a future – a long and bright one. But holding too tightly to the past, and forcing that on our present, will likely lose our future.

M. Olaf Frandsen is editor and publisher of The Salina Journal and 2017-18 president of the Kansas Press Association.

Is there still room in today's world for a printed product delivered on doorsteps and metal boxes on street corners? Yep, without a doubt ... But holding too tightly to the past, and forcing that on our present, will likely lose our future.



Gannon honored at KPA reception upon retirement

Richard Gannon, director of governmental affairs for the Kansas Press Association (right) talks with University of Kansas law professor Mike Kautsch Friday at a reception in honor of Gannon's impending retirement after 14 years of service at KPA. Gannon will write a farewell column in the July Publisher. He and his wife, Martha, have built a home near Alma, Colo., and plan to move there later this summer. Gannon is a former three-term Kansas senator who represented northwest Kansas in the 1970s and 1980s. He is a native of the Goodland area.

Eblen

Continued from Page 1

Jon Schlitt, 2001 J-School graduate who is now sales and marketing adviser for the *Kansan*, worked with Eblen as a student on the *Kansan*.

“Tom Eblen’s legacy with The University Daily *Kansan* is undeniable,” Schlitt said. “It’s evident in the multiple awards won under his tenure that are still displayed on the walls of the *Kansan*. It’s also shown in the generation of students that he inspired and taught and who have now gone on to be giants in the field of journalism. We will mourn his passing but be grateful that he was able to teach and influence so many in his time here.”

Dean Ann M. Brill said Eblen was admired and respected in the school and in the journalism community.

“Tom was our colleague, mentor and friend,” Brill said. “We counted on his honest opinion, his wit and expertise to guide generations of students. We will miss him. Our sympathy to his wife, Jeannie, and the rest of his family.”

Eblen’s former *Kansan* students fondly recall his critiques of each edition of the *Kan-*

san, always in red pen. In an interview with J-School Professor Calder Pickett in 2002, Eblen said he never missed a critique in his 15½ years as general manager.

“The critiques were posted on the wall, and all the students read it,” Eblen said. “They read not only their own stories and the headlines but what other people did because they could learn a lot from what everyone had done on the paper that day.”

In 2015, Joel Zeff, 1990 J-School graduate, established a School of Journalism scholarship in Eblen’s honor. The Tom Eblen In Honor of the Glorious Red Pen Scholarship is awarded annually to a student studying news and information. Zeff wanted to recognize Eblen’s dedication to students and “his never-ending supply of red pens.”

“Tom was more than a professor and mentor,” Zeff said. “He was our friend. He would push us to be better reporters and editors. He would correct us. He would tell us jokes. He would also be the first to applaud and champion us to every editor he knew. I always thought I was lucky that Tom took such an interest in me as a student, and later, in my career. I soon realized every student who walked into his office was lucky. They don’t make professors like Tom anymore.”

J-School Professor Susanne Shaw, whom Eblen succeeded as *Kansan* adviser in 1986, said his extensive connections to Kansas newspapers were an invaluable resource for the school and its students.

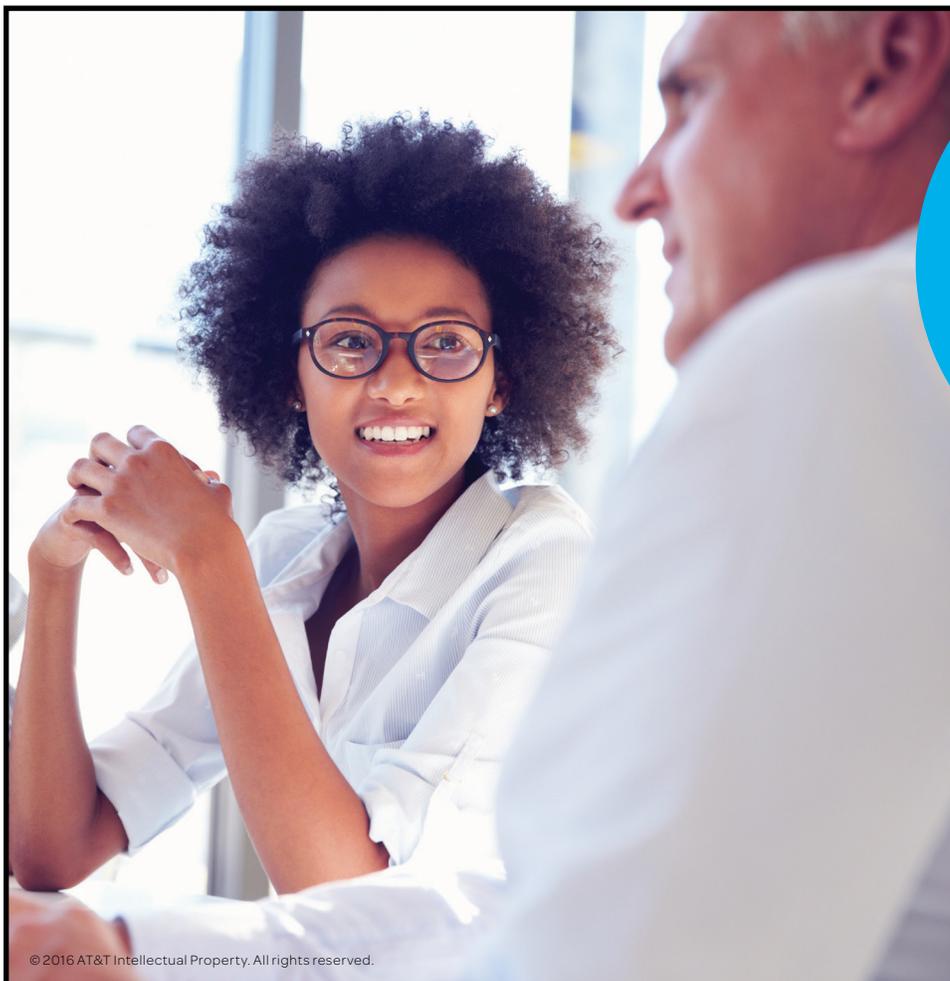
“Tom was a wonderful mentor to students during his time as *Kansan* general manager,” Shaw said. “His many professional contacts helped students get internships and full-time jobs.”

Traci Carl, 1995 J-School graduate and currently international operations director for The Associated Press, said Eblen helped shape the careers of many young journalists.

“I often stuck my head in his office on my way in each morning, either to say hi or seek his advice about a story,” Carl said. “Tom helped me figure out I wanted to work for the AP and got me the interview that would launch my career.”

Paul Stevens, who retired as Associated Press Central Region vice president in 2003, met Eblen when Stevens became the AP Kansas City bureau chief in 1984 and Eblen was editor and general manager of the Fort Scott Tribune. Stevens said he considered Eblen and his wife, Jeannie, the “First Family of Kansas newspapering.”

See MENTOR on Page 8



*Believe.
Do.*

When a community works together, nothing is impossible. That’s why we strive to connect people with good jobs, create opportunities for all, advance education and promote the responsible use of our technology.

That’s why we proudly support the Kansas Press Association.



MARKETPLACE

NEWS

FULL-TIME PAGINATOR/GRAPHIC DESIGNER — Job involves laying out pages working with graphics and photos and updating the web site and social media. Involves some weekend and evening work. Must be reliable quick but accurate and have a keen eye for design and sense for details. If this fits you please send letter portfolio resume and references to Dale Hogg, managing editor, Great Bend Tribune, 2012 Forest Ave. Great Bend Kan. 67530 or to dhogg@gbtribune.com. (5-30)

DEPUTY NEWS EDITOR needed to split time between editing copy, designing pages and writing human-focused lifestyle features for locally owned, quality-focused weeklies with newsroom staff of nine on edge of Flint Hills. Details at <http://mnks.us/job>. (5-30)

NEWS EDITOR — The Cowley Courier-Traveler is looking for a news editor to help lead a nine-member newsroom providing compelling and quality journalism for its readers in south-central Kansas. The Courier-Traveler is a new publication based on the merger of established dailies in Winfield and Arkansas City, Kan., in July of 2016. These are exciting times as we reach deeper and broader in our coverage of the region. The news editor works out of the Ark City office with the editor to coordinate coverage, and to paginate the front and other daily pages, as well as special sections. This position requires solid news judgment, good headline writing and editing skills, and command of AP Style and InDesign. Please contact David A. Seaton at (620) 442-4200, ext. 122, or daseaton@ctnews-online.com. (4-24)

REPORTER — The Wichita Business Journal is looking for a reporter to join our award-winning news team. We're looking for candidates who can find scoops, build a source list and create compelling stories on all our platforms. Candidates should be dynamic, curious, assertive, competitive and collaborative. They must be comfortable collecting data and interpreting it in stories for our audience of business owners and leaders. They must also be knowledgeable about social media and how to use it to create journalism. You'll be working in a great atmosphere and at a great company, American City Business Journals. We prefer a candidate who has a bachelors degree and 3-5 years experience. If you're interested contact Editor-in-Chief Bill Roy

at broy@bizjournals.com. (4-21)

NEWS EDITOR — The Osage County Herald-Chronicle has an opening for a full-time news editor with management experience. Knowledge and proficiency of AP style is referred. Excellent opportunity to work with award-winning staff at 3,500 circulation weekly in Osage City. Position includes covering governmental and school board meetings, writing features, editorials, editing and proofreading copy, taking photos and managing the day-to-day influx of emails. Experience with page layout on Mac-based Adobe InDesign is a plus. Some evening and weekend hours. Send resume with cover letter to Chris or Catherine Faimon, faimonc@gmail.com, or P.O. Box A, Burlington, KS 66839. All inquiries kept confidential. (4-4)

REPORTER — The Abilene Reflector-Chronicle is seeking a news reporter to cover government and school meetings, events in Abilene and Dickinson County, courts and other stories as assigned. Applicant must have a degree in journalism or public affairs or a degree in English with experience writing for publication. Send resume to editor@abilene-rc.com or bring it to the newspaper office at 303 N. Broadway in Abilene. For more information, call the editor at (785) 263-1000. (3-15)

SPORTS EDITOR — The Pratt Tribune is seeking a sports reporter who knows how to score with both print and online audiences. Join a positive team to help our media outlet in south-central Kansas grow. Great opportunity to join one of the fastest growing media companies in the United States. Will report on winning high school and college teams in Pratt County and the surrounding area. The successful candidate will be able to generate story ideas, cover games write features and columns and become a local hero to sports fans. Photography skills a plus but will train. Position offers a competitive salary and great benefits package. Contact ceasterday@dodgeglobe.com with clips resume and references. (3-9)

SPORTS EDITOR — Award-winning western Kansas daily needs someone who loves sports to cover community college and 4A high school, co-ordinate coverage of smaller schools, create dynamic, interesting sports pages and engage the community. College town on I-70, close to Denver, great hunting, biking, trails, great sports. This might be the one for you. Benefits.

Contact Sharon Friedlander, publisher, at sfriedlander@nwkansas.com, and Steve Haynes at steve.haynes@nwkansas.com EOE/M/F/D/V (1-4)

MANAGING EDITOR — needed for award-winning daily on I-70 in western Kansas. The Colby Free Press needs a leader to take its news department to the next level. Are you ready to step up, face new challenges? Supervise news staff, page design and community coverage. Close to Denver, great outdoors, biking, trails and hunting. Benefits. Contact Sharon Friedlander, publisher, at sfriedlander@nwkansas.com, and Steve Haynes at steve.haynes@nwkansas.com EOE/M/F/D/V (1-4)

REPORTER NEEDED now for western Kansas twice-weekly, near lake with state park and federal reservoir, great hunting, fishing hiking, biking. Cover city and county, schools and more, features and creative coverage. Help with page design, learn the craft of newspapering. Pay competitive, based on experience, plus benefits. Contact Dana Paxton, general manager, at dpaxton@nwkansas.com, and Steve Haynes at steve.haynes@nwkansas.com EOE/M/F/D/V (1-4)

ADVERTISING

GENERAL SALES/BUSINESS DEVELOPMENT — The Anderson County Review at Garnett is expanding its existing advertising, printing, social media, direct mail and video production offerings to a regional and nationwide marketplace, where we intend to play to our strengths of central location, outstanding customer service, Midwestern work ethic and more than 30 years thriving in an evolving media industry. If you're a natural competitor, able to adapt to and maximize new technology, love interacting with potential clients and don't believe the word "sales" is a dirty word, we want to talk to you. This is a full time sales position with base pay, commission and bonuses, health and retirement benefits. Must have dependable transportation for occasional day trips, travel expenses paid. Email letter and resume to Dane Hicks at dhicks@garnett-ks.com

NEWSPAPERS FOR SALE

136 year old weekly newspaper in south-east Kansas. Owner wishing to sell publication, which he has owned for 39 years.

MARKETPLACE/CONT. FROM PAGE 6

Steady subscription base, located in historic Kansas town. Inquire through KPA by emailing danstaett@kspress.com.

The Western Times weekly newspaper for sale. Located in Sharon Springs, KS. Established in 1874 and still going. Newspaper has hard copy and online edition with a 1,200 count circulation and a strong community following. Sale comes with Main Street Building the newspaper is currently located in. Asking price \$100,00 but willing to negotiate. Call Sunny Henderson 785-852-4900 or email: westerntimes@wbsnet.org for information.

The Elkhart Tri-State News in southwest Kansas has been published since 1892 and is the official publication of two cities, two school districts and Morton County, Kan. Owner is moving out of the area. Can sell with or without real estate. Please call (620) 309-1148 for more information. (4-17)

Respected 131-year-old weekly newspaper in Southwest Kansas; only newspaper in the county. Owner moving out of state.

Steady subscription, advertising, annual sales approximately \$140,000. Will include building and property in sale. (785) 341-7573 after 5 p.m. MST. (6-1)

MISCELLANEOUS FOR SALE

FOR SALE — Atlas offset press. 2 quad units and four mono units with folder, roll stands and all electrical equipment needed for operation. Also includes bay window to print full color on both sides of one web, plate bender and punch. Comes with conveyor belt and count-o-veyor. \$45,000. Call 620-626-0840 or email earl@hpleader.com

FOR SALE - ECRM Newsmatic CTP. 2008 model. Very well kept and lightly used (about 12 plates per day, six days per week for two years). CTP fully functional with all software and RIP. Bought a second newspaper and used the one that came with it. Comes with Kodak plate processor, but it needs a couple pumps we used on other machine. Paid \$140,000. Will take \$32,000. Call 620-626-0840 or email earl@hpleader.com.

Notice

Continued from Page 2

advertisements to which they aren't initially drawn. Few people pick up a newspaper specifically to read public notice ads but we know from experience that many citizens see them anyway. (Here's one recent example.) This is vital when the official action they describe is too important to be hidden.

By contrast, online readers are goal directed. They generally visit websites seeking specific information. Serendipity can be encouraged but it is more challenging to direct readers' attention to particular content in an online environment than it is in print. It is especially difficult in the case of public notice ads because readers have been trained for over a hundred years to look for them in the newspaper.

Print is also still far superior to the internet at providing assurance that a particular notice was published and conformed with the law. Digital information can easily be intentionally or accidentally altered or erased after it is posted, which simply isn't possible in print. That's why a newspaper notice can be self-authenticated as evidence in a court of law, and a website notice cannot.

The authors' slanderous characterization of community newspapers as essentially

worthless is a classically hipper-than-thou, Brooklyn-bubble perspective and merits little response. I'll simply state the obvious: There are many excellent newspapers that are essential to their communities, and there are others that fall short of those standards. I suspect the same is true of local-news websites.

Another result of the bubble perspective is that people in places like Brooklyn, especially young people who write for internet news sites, tend to think everyone spends all day on the internet. The truth is approximately 50 million people in the U.S. still have no access to the internet. Moreover, they tend to be our most vulnerable citizens – older, lower-income, rural.

Publishing a newspaper in 2017 is much more challenging than it was in the past. Print circulation is down and profits are more difficult to come by. Nevertheless, most newspapers have expanded their audience via digital publishing and still provide the best vehicle for providing the public with official notice.

Richard Karpel is the president of APW Management and the executive director of the Public Notice Resource Center, a 501(c)(3) charitable organization that provides education and research about public notice in newspapers and on their websites.

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In Memoriam

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Mike Kautsch

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(for questions on cameras in the
courtroom and the court system)

There is something you can do: use the bully pulpit

Often get calls at the office from frustrated editors and publishers who are tired of dealing with repeated open government violations by their local council, commission and school board members.

“What can I do? They’ve been doing this for years and just won’t stop. And I can’t afford to sue them.”

I might ask them this: “Have you considered using the bully pulpit?”

“You mean, burn them in print?”

“Absolutely! Sometimes the best tool you have is the keyboard on your computer,” I say.

“You mean hit them over the head with it?”

“In a way. Sometimes you’ve got to take off the gloves,” I suggest. “It’s the proverbial 2-by-4 to the mule’s forehead. You’ve got to get their attention.”

OK, I know such an approach seems brash and maybe even out of the question for some editors, but your local franchise as “watchdog” of government requires you to occasionally call a spade a spade.

I’m not talking about being a jerk or always finding a black cloud in every silver lining. I’m talking about firm but fair criticism of how your locally elected politicians are conducting themselves.

No matter how sincere or dedicated they are, they’re occasionally going to cross the



Doug Anstaett

line, make a decision outside a public meeting or try to hide something from you.

Occasionally getting upset is part of the job of being an editor.

Yes, this approach requires a thick skin on your part as well. Your take on things isn’t always going to be what’s popular.

Even Abigail Van Buren occasionally had to rattle cages when she was handing out advice.

If someone felt they were being used or abused, she would point out that this can only happen if you allow it.

So, if your local government officials are abusing their power, and you’re saying nothing publicly about it in your newspaper, you are enabling that conduct.

Often, the local newspaper editor has a fairly good vantage point to comment on local events.

I always wanted to write my editorials before a decision was made, rather than shoot arrows after the fact.

If a city commission was considering a move, I believed there was more to gain in having them know my opinion before they acted.

It’s not that I was never a Monday morning quarterback; sometimes that’s all you can do when decisions are made before you even

know they’re being considered.

But try to get out in front of things when possible.

Last week, I had an email conversation with a publisher who just wanted to bounce a story off me to see if it had any holes in it. I read it and made a few suggestions, and I don’t even know if they were taken, but the fact that the publisher was asking for advice “before” he published the article was key.

I had my share of “woulda-coulda-shoulda” moments in my career.

But I seldom regretted when I took a firm stand on an issue and asked for public officials to be more open in their conduct.

You can do it.

If you’re concerned about how it may be accepted, bounce it off of me or another colleague.

But don’t sit around frustrated, thinking there is nothing you can do.

A solid, well-timed editorial can even provide cover to public officials who don’t like the direction a certain discussion is going.

The bully pulpit is alive and well. Use it.

Doug Anstaett is executive director of the Kansas Press Association.

Mentor

Continued from Page 5

“Whatever the event – a happy occasion like a retirement or anniversary, a sad one like a death or someone in ill health – you could count on seeing the two of them there to support their friends,” Stevens said. “Come rain or shine or snow or ice.”

After Eblen retired from KU, he served as the news consultant for the Kansas Press Association for almost two decades. He worked with dozens of newspapers through the years, conducting “Community Newspaper Tune-ups,” said Doug Anstaett, KPA executive director.

“Everyone who worked with Tom said while he was tough and thorough in his critique of their newspaper, he always took a gentle approach, and no one left those sessions feeling anything but appreciation for his advice,” Anstaett said. “For me as KPA executive director, Tom was a respected

sounding board. He had a vast knowledge of the Kansas newspaper scene and provided me a backstop when I encountered a difficult situation. He would listen, ponder and then offer solid advice about how to proceed.”

Eblen dedicated hundreds of hours of research to his book, “Kansas Press Association: 140 years of Kansas newspapers and newspaper families,” about the history of the Kansas Press Association and the state’s multigenerational newspaper families. Anstaett said it remains a go-to resource on the great publishing families in Kansas and the events that shaped the KPA.

Eblen was elected KPA president in 1988 and was twice elected to the national board of the Associated Press of Managing Editors. He was editor of APME News in 1978 and 1979.

He was a trustee and former board chair of the William Allen White Foundation and past president of the William Allen White Community Partnership.

In 2007, he won the Clyde M. Reed Jr. Master Editor Award. In 2010, he was named

to the Kansas Newspaper Hall of Fame.

Survivors include his wife, Jeannie Kygar Eblen; two children, Matt Eblen and Courtney Eblen McCain and husband, Ken McCain; and two grandchildren, all of Overland Park. Services are pending.



Jeannie Eblen displays a KPA “Real News Is Our Business” T-shirt when she and Tom were in rehab together in March 2017.

Final report on KPA's 2017 legislative initiatives

When all was said and done, as the saying goes, a lot was said and not much was done during the 2017 session of the Kansas Legislature.

Our signature bill, Senate Bill 86, which would have finally placed some specificity in the Kansas Open Records Act about what could be charged for records requests, looked like it might pass. But it underwent a dreaded “gut and go” and ended up in the legislative landfill.

A “gut and go” is when the contents of a bill are completely eliminated and replaced by the contents of another bill. It's not fun being on the “gut” end of the process.

If you search SB 86 as it was passed this session, you'll find it identified as House Substitute for SB 86. That would “substitute” is often an indication of a bill that has been gutted. So what did SB 86 become? An act concerning amusement rides.

Other than that, bills representing four separate topics of interest to Kansas Press Association members wound up bundled together into one bill, HB 2301. It is attached to today's Publisher so you can witness legislative sausage-making at its finest. We'll understand if you're totally confused by what we're about to explain.

HB 2301, which originally was a bill designed to simply do the annual update and review of existing exceptions to disclosure in the law, eventually was amended to include four other subjects.

First, a Senate committee added an exception closing the names and addresses of those on juror lists, but after objections from KPA and others, it was modified, keeping the names of jurors as a public record.

In the end, a number of other subject areas were added to HB 2301, including parts of SB 70, HB 2128 and HB 2071.

Second, SB 70 was originally introduced a year ago by Sen. Marci Francisco after a resident of Lawrence expressed concern with the lack of specificity in most motions to conduct executive or closed sessions. It died last year but was revived with bipartisan sponsorship from Francisco and Sen. Molly Baumgardner.

In its final form, it changes the way public bodies should go about making a motion to go into executive session to read:

“Any motion to recess for a closed or executive meeting shall include (1) a statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume.”

In the attached PDF, this part of the bill is in Sec. 4, which also lists the “justifications,” what we always have called “subjects” that can be discussed in closed session.

Third, this section also includes a new “justification,” one allowing the Governor's Domestic Violence Fatality Review Board to conduct case reviews.

KPA fought this change, but we were alone in the room against a number of advocates who said many of these cases are sordid in nature and require confidentiality for the board to be able to do its work properly. We disagreed, but weren't surprised when we lost our argument.

Fourth, Section 3 of the bill now makes permanent a formerly temporary exception for certified batterer intervention programs.

It closes to public scrutiny “any information or copy thereof obtained by the attorney general pursuant to this section or pursuant to an investigation pursuant to the batterer prevention program certification act.

Other bills we followed this year

HOUSE BILL 2070

This bill was designed by its proponents to close the central registry of all Kansas police and law enforcement officers and block all registry content from disclosure.

Recent incidents involving law enforcement officer controversies in Enterprise, Lawrence and WaKeeney show this information must be available to the public to help weed out bad actors. Law enforcement wants this bill; we already have testified against it.

We worked hard to keep this bill from becoming law as originally written. We supported a revised version offered by our own Max Kautsch.

We've proposed sending the issue to an advisory committee of the Kansas Judicial Council but not had that confirmed.

HOUSE BILL 2006

This bill has passed both houses and was presented to the governor on April 7 for his signature.

It is designed to address the board of county commissioners issue that led to a lawsuit by the Salina Journal and the Associated Press. The legislation provides for a special election when a situation similar to the one in Saline County occurs, where the county increased its commission from three to five members. It has since been amended to be more in line with how other vacancies are filled, with each political party nominating a candidate for each position. The election would be held between 75 and 90 days of the resolution to increase the size of the commission.

HOUSE BILL 2247

The bill to allow cities, counties, school boards and other public agencies to have the “option” to use an Internet website as their official publication rather than a legal newspaper is still alive for next year, but we blocked it this session. It will likely be back in some form again next year and in subsequent years.

Gannon's take on 2017

Here's how Richard Gannon, KPA director of governmental affairs, described this year's session: “Over the past several session, I have observed gradual deterioration in Kansas legislative openness.

“Though problematic, the traditional complaints of closed caucuses, secret meetings, lack of committee hearing broadcasts and bill sponsor identity have not achieved the same level for concern for which I above reference.

“Rather, governmental sunshine is diminished by segments of the Legislative Joint Rules and/or legislative committee non-adherence to their own rules.

“Through the use of ‘gut and go’ procedures, bill topic bundling by committee and creative conference committees shenanigans, bill tracking is difficult for seasoned legislative observers and virtually impossible for the general public to decipher.

“Often, a bill will change numbers several times as it meanders through the process. The change in subject identity makes on-line bill status research extremely frustrating.

“New procedures must be implemented to allow better public access to the legislative process.

“Whether by new Legislative Joint Rules, a more robust electronic bill tracking capability, or a combination of both, change must be made.”



HOUSE BILL No. 2301

AN ACT concerning open government; relating to public records; trial jurors; legislative review of exceptions to disclosure of public records; Kansas open meetings act; closed or executive meetings; amending K.S.A. 22-3408 and K.S.A. 2016 Supp. 45-229, 75-7d08 and 75-4319 and repealing the existing sections; also repealing K.S.A. 2016 Supp. 45-229c.

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

Section 1. K.S.A. 22-3408 is hereby amended to read as follows: 22-3408. (1) When drawn, a list of prospective jurors ~~and their addresses~~ shall be filed in the office of the clerk of the court and shall be a public record.

(2) (a) The qualifications of jurors and grounds for exemption from jury service in civil cases shall be applicable in criminal trials, except as otherwise provided by law.

(b) An exemption from service on a jury is not a basis for challenge, but is the privilege of the person exempted.

(3) The prosecuting attorney and the defendant or ~~his the defendant's~~ attorney shall conduct the examination of prospective jurors. The court may conduct an additional examination. The court may limit the examination by the defendant, ~~his the defendant's~~ attorney or the prosecuting attorney if the court believes such examination to be harassment, is causing unnecessary delay or serves no useful purpose.

Sec. 2. K.S.A. 2016 Supp. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

(1) The public record is of a sensitive or personal nature concerning individuals;

(2) the public record is necessary for the effective and efficient administration of a governmental program; or

(3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception ~~which that~~ will expire in the following year which meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law ~~which that~~ creates an exception to disclosure or limits disclosure under the open records act

pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law ~~which~~ *that* creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program, which administration would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) ~~of this subsection (h)~~ would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and ~~which~~ *that* have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-

8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and ~~which that~~ have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-972a, 74-50,217, ~~74-99d05~~ and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and ~~which that~~ have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2015 and ~~which that~~ have been reviewed during the 2016 legislative session are hereby continued in existence ~~until July 1, 2021, at which time such exceptions shall expire~~: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and ~~which that~~ have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during ~~2011~~ 2016 and ~~that have been reviewed during the 2017 legislative session~~ are hereby continued in existence ~~until July 1, 2017, at which time such exceptions shall expire~~: ~~12-5711, 21-2511, 38-2313, 65-516, 74-8745, 74-8752, 74-8772 and 75-7427~~: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)(51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and ~~which that~~ have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-712 and 75-5366.

Sec. 3. K.S.A. 2016 Supp. 75-7d08 is hereby amended to read as follows: 75-7d08. (a) Each certified batterer intervention program and each holder of a temporary permit issued pursuant to the batterer intervention program certification act shall keep and maintain for a period of two years; each book, document, paper, record or other information pertaining to services rendered as a certified batterer intervention program.

(b) Regardless of the form or media in which such books, documents, paper, record or other source of information is kept, each book, document, paper, record and other source of information concerning the compliance with the requirements established in the batterer intervention program certification act and the rules and regulations adopted thereunder by each certified batterer intervention program or holder of a temporary permit shall be inspected at least once every certification period

by the attorney general. The attorney general may order other or additional inspections as deemed necessary by the attorney general. The attorney general shall at all times be given free access to all such books, documents, papers, records or other sources of information concerning the compliance with the requirements established in the batterer intervention program certification act and the rules and regulations adopted thereunder.

(c)(1) Any information or copy thereof obtained by the attorney general pursuant to this section or pursuant to an investigation pursuant to the batterer intervention program certification act shall not be public and shall not be subject to disclosure pursuant to the Kansas open records act, and amendments thereto.

~~(2) The provisions of subsection (c)(1) shall expire on July 1, 2017, unless the legislature acts to reenact such provision. The provisions of subsection (c)(1) shall be reviewed by the legislature prior to July 1, 2017.~~

Sec. 4. K.S.A. 2016 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all public bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of: ~~(1) The justification for closing the meeting;~~ (1) A statement describing the subjects to be discussed during the closed or executive meeting; (2) the justification listed in subsection (b) for closing the meeting; and (3) the time and place at which the open meeting shall resume. ~~Such~~ The complete motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the public body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) ~~No subjects shall be discussed at any closed or executive meeting, except~~ Justifications for recess to a closed or executive meeting may only include the following, the need:

- (1) To discuss personnel matters of nonelected personnel;
- (2) for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship;
- (3) ~~matters relating to~~ discuss employer-employee negotiations whether or not in consultation with the representative or representatives of the public body or agency;
- (4) ~~confidential to discuss~~ data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) to discuss matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) ~~preliminary discussions relating to~~ for the preliminary discussion of the acquisition of real property;
- (7) to discuss matters relating to parimutuel racing permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
- (8) to discuss matters relating to the care of children permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 38-2212(d)(1), ~~and amendments thereto, or K.S.A. 38-2213(e), and amendments thereto;~~
- (9) to discuss matters relating to the investigation of child deaths permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 22a-243(j), and amendments thereto;
- (10) ~~matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 44-596(e), and amendments thereto;~~
- ~~(11)~~ to discuss matters relating to patients and providers permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 39-7,119(g), and amendments thereto;
- ~~(12)~~ (11) to discuss matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;
- ~~(13)~~ (12) to discuss matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities or equipment used

in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the public body or agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments;

~~(14)~~(13) *to discuss matters relating to maternity centers and child care facilities* permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 65-525(~~f~~) (*d*), and amendments thereto;

~~(15)~~(14) *to discuss matters relating to the office of inspector general* permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 75-7427, and amendments thereto; and

~~(16)~~ ~~matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2016 Supp. 46-3801, and amendments thereto~~

(15) *for the governor's domestic violence fatality review board to conduct case reviews.*

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

~~(d)~~(1) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(~~13~~) (12), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

~~(2) (A) Except as otherwise provided by law, any confidential documents, records or reports relating to the prisoner review board provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.~~

~~(B) Notwithstanding any other provision of law to the contrary, any summary statement provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.~~

Sec. 5. K.S.A. 22-3408 and K.S.A. 2016 Supp. 45-229, 45-229c, 75-7d08 and 75-4319 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.