



Board chooses new 2013-14 officers

By Sam Dieter
Colby Free Press
sdieter@nwkansas.com

The Colby School Board organized the district for the next year at its monthly meeting Monday night.

The board elected its officers at the meeting, including Janice Frahm as board president and Tracy Rogers as vice president, the same positions they held last year.

the board open, and Kris Lemman, who took her place, also took over some of those positions at her first board meeting.

Rogers will serve as the board representative to the Northwest Kansas Service Center, and Angie Gaede will be the alternate. Lemman will be the board representative to the coordinating council, with Gaede as the alternate.

relations network, and Frahm will be the alternate. Ed Geihlsler will represent the board on the Northwest Kansas Technical College Area Board of Control.

Gaede took over the service center

position from McLemore, and Lemman took her place on the coordinating council and district technology plan positions.

Jo DeYoung will be the board treasurer, Deann Shields the deputy treasurer. DeYoung will also be the representative for the Kansas Public Employees Retirement System.

of information officer and coordinator for homeless children duties. DeYoung will be the hearing officer for free and reduced lunch fee applications.

Frahm will sign district checks as board president, with DeYoung, signing as treasurer, or Flanagan signing as clerk. In

See "BOARD," Page 2

Lemons sweet to shelter

SAM DIETER/Colby Free Press
Robert Whitaker (right) bought refreshments Tuesday afternoon at the "Lemon Aid" stand set up by April Swartz, 11, daughter of Dr. Tami Swartz, at the Swartz Veterinary Hospital.



Seminar sheds light on meetings

By Sam Dieter
Colby Free Press
sdieter@nwkansas.com

A seminar Tuesday at Colby Community College, led by Kansas Assistant Attorney General Lisa Mendoza, provided about 40 people who attended with information about state laws that make most government meetings and records open to the public.

The seminar was one of five the office of state Attorney General Derek Schmidt puts on to educate people about the Kansas Open Meetings Act and the Kansas Open Records Act.

Four panelists added their input, including Sharon Friedlander, publisher of the Colby Free Press, Richard Boeckman, the county administrator for Barton County, Ron Keefover, the president of the Kansas Sunshine Coalition for Open Government and Doug Anstaett, executive director of the Kansas Press Association and secretary for the coalition.

The open meetings act, Mendoza said, is to be "construed broadly," with the specific purpose of openness in mind. The law says that the meetings for all government bodies that make policy decisions must be open to the public and held in an accessible area.

"Well, it's almost political suicide not to let people talk in the meeting," Boeckman said.

A governing body can reconvene meetings at any time, and only has to give notice of when and where it will meet to people who ask for it.

The law does not apply to courts

convened by open law, judiciary meetings, or staff or administrative meetings.

Under the law, closed sessions can be held for certain reasons, such as to discuss non-elected employees, relationships between employees and employers, or privileged information between the governing body and its attorney. But an open meeting must be called before the closed session, and the group has to include the justification for closing the meeting, what will be discussed, and when and where the meeting will reconvene in its minutes.

There can sometimes be other people in the closed session besides the members, but having a third party present for a discussion involving attorney-client privilege voids that privilege.

A group can reach a consensus between its members in a closed session, but can only take a vote in the open section. Boeckman pointed out that members are allowed to talk publicly about what happened in closed sessions, and mentioned a commissioner he worked with in the past who did so.

Perhaps the greatest chance of violating the law, Anstaett said, is a "serial meeting," where official business is discussed through a series of communications, including phone and e-mail or other electronic media, outside an open meeting. A government body will violate the law if a majority of the members discuss a binding decision outside an open meeting.

What Mendoza described as "the dreaded reply-all e-mail," can also violate the law by changing communication of facts, such

See "OPEN," Page 2

Attorney General says 'Hard 50' may not fully work

By John Hanna
AP Political Writer

TOPEKA - Attorney General Derek Schmidt acknowledged today that rewriting Kansas' "Hard 50" law still may not preserve the sentence for pending first-degree murder cases, but said the state will be in a better legal position if legislators approve a fix during a special session rather than waiting.

Schmidt said his office is working on a proposal responding to a U.S. Supreme Court decision last month about mandatory minimum sentences that raises questions about the law's constitutionality. It allows judges to sentence people convicted of premeditated murders to life in prison with no chance of parole for 50 years, Kansas' toughest

penalty outside of capital punishment. Schmidt asked Gov. Sam Brownback on Wednesday to call the Legislature into special session by mid-September to rewrite the "Hard 50" law. Legislators formally adjourned June 20 - three days after the high court's ruling - and aren't scheduled to convene again until January.

"There is never a guarantee in the criminal justice system," Schmidt said Thursday during a news conference. "For pending cases that are caught up in this period of uncertainty, our likelihood of getting the outcome that was intended - the 'Hard 50' sentence - is greater with the change than without it."

Schmidt's office said it has identified about two-dozen murder cases that could be affected, but said there are likely to be more.

The U.S. Supreme Court ruled in a Virginia case that juries, not judges, must weigh whether the facts

in a case trigger mandatory minimum sentences in criminal cases. In Kansas, judges determine whether the aggravating factors in a first-degree murder case - such as whether a victim was tortured or a defendant shot into a crowd of people - warrant the "Hard 50" rather than a life sentence with parole eligibility after 25 years.

Schmidt said his office is already drafting a proposal to have juries consider such questions after a separate post-conviction hearing like they do in death penalty cases. He also said his office will propose that the changes apply retroactively to pending cases, rather than just future ones.

But he acknowledged Thursday that defense attorneys are likely to challenge attempts to preserve or impose "Hard 50" sentences.

Brownback spokeswoman Eileen Hawley said the governor will make a "timely" decision on a special session.

The Republican attorney general's request has bipartisan support from prosecutors. Schmidt was joined by the district attorneys for the state's four most populous counties, two of them Democrats.

The affected Kansas cases include an appeal before the state Supreme Court from Scott Roeder, convicted of the May 2009 death of Dr. George Tiller. Tiller - among a few U.S. physicians known to perform abortions in the last weeks of pregnancy - was gunned down in the foyer of his Wichita church.

"The longer we go without ending the period of uncertainty, the greater will be the number of cases that fall into that category," Schmidt said.

Online: Kansas attorney general: ag.ks.gov/
Kansas governor: governor.ks.gov/
Kansas Legislature: www.kslegislature.org
Follow John Hanna on Twitter at www.twitter.com/apjdhan

