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## Objectives of Idaho 4-H Know Your Government

The Idaho 4-H Know Your Government Conference (KYG) provides 4-H members in 10<sup>th</sup> and 11<sup>th</sup> grades a state level opportunity to further their leadership and involvement in the planning, delivery and evaluation of the KYG by becoming members of the Steering Committee.

Committee members will plan and implement the legislative or judicial workshops and:

- Learn how the state government decision-making process works,
- Learn how teens can participate politically to influence state government,
- Learn how the state Judicial System works,
- Learn what is involved in bringing a case to court,
- Observe the legislative process in action,
- Meet and share ideas with legislators, judges, and other elected officials,
- Have breakfast with legislators and judges.

Action to improve communities requires knowledge of government and how it works. The Know Your Government conference aims to meet these goals through the learning objectives below.

Youth will:

- Set goals and determine steps to reach them
- Demonstrate the ability to communicate through multiple methods and media
- Develop positive and sustained relationships
- Engage in civic involvement
- Demonstrate leadership efficacy
- Demonstrate their ability to work effectively in teams
- Improve their knowledge of parliamentary procedure
- Increase their interactions with local, state, and national government
- Demonstrate responsibility, critical thinking and problem-solving skills through informed decision making

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Adapted from the following materials:

*Advanced Citizenship Project, (2007).* Craig, M.J.

*4-H Exploring Citizenship My Government, (2004).* Craig, M. J., Pike, M. M., & Laughlin, K.

*Lobbying for Change the Legislative Process, (2014).* Klein, J., Washington State University Extension

*Pursuing Justice, the Judicial System, (2013).* Klein, J., Washington State University Extension

*Politics and the Media, (2011).* Klein, J., Washington State University

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## **YOUTH STEERING COMMITTEE POSITION DESCRIPTION**

**Name of Event:** Idaho 4-H Know Your Government Conference

**Event Date:** Annually on President's Weekend, Boise, ID

**Steering Committee Chair:** Donna R. Gillespie

### **PURPOSE:**

Plan and promote educational opportunities provided by the KYG Conference held in Boise during legislative session. Encourage participation in citizenship activities at all levels – local, state and national.

### **QUALIFICATIONS:**

- Four youth positions (one per district preferred) to be filled by youth accepted for Speaker of the House, Justice, News Editor and Video Producer positions during the current conference year. Up to 20 youth positions to be filled by youth selected as Steering Committee members during the current conference year, (6-Youth Judges, 6-Youth Legislators and 8-Reporters). This Position Description must be signed by the youth and parent/guardian and be approved by local county 4-H professionals and the State 4-H Director.
- An interest in working with youth, volunteers and 4-H professionals in an educational setting and a willingness to work within the philosophy and guidelines of the UI 4-H Youth Development Program.
- Have an interest in government and 4-H citizenship programs.
- Willingness to work as a team member, motivate, and inspire youth and adults to assume leadership positions.
- Understand and utilize successful conflict resolutions skills.

### **GENERAL RESPONSIBILITIES:**

- Work in collaboration with other KYG Steering Committee members, 4-H Faculty/Staff, volunteers and youth in the coordination and implementation of the event.
- Follow and adhere to the UI 4-H Youth Development Code of Conduct.
- Follow all guidelines and policies of the University of Idaho Risk Management Office to ensure a safe and healthy environment for youth and adults participating in event.
- Publicize, promote and coordinate the KYG program for 8<sup>th</sup> and 9<sup>th</sup> grade members throughout Idaho.
- Encourage all youth participants to complete KYG projects.
- Work with District Coordinators to ensure that appropriate orientations and trainings are provided for all youth and adults before they attend the KYG conference.
- Mentor and support other youth and adults in their assignments to assure a successful conference and positive experience for everyone. Collaborate with other youth and adults to plan and carry out conference activities, assigned to the districts.
- Serve as emcee for an activity/event at the conference.
- Encourage youth to apply for 3<sup>rd</sup> and 4<sup>th</sup> year KYG positions for the following year.
- Maintain sensitivity to the individual differences of 4-H members, families and volunteers and welcome all youth, their families and volunteers to participate in the event.

## **YOUTH STEERING COMMITTEE ADDITIONAL RESPONSIBILITIES**

- Complete KYG project.
- Attend Summer Steering Committee meeting.
- Participate in all scheduled ZOOM conference calls.
- Communicate with other Steering Committee members prior to summer meeting and conference to coordinate transportation and other needs.
- Support other Steering Committee members in their assignments to assure a successful conference and positive experience for the youth.
- Publicize, promote and coordinate the KYG program for 8th and 9th grade members within district. Communicate with KYG District Coordinators and assist them with promotion, registration and other needs for KYG.
- Prepare for workshop role assigned.
- Prepare for Emcee assignment. If information is available ahead of time on guest you will be introducing, prepare and practice introduction.
- While at the KYG Conference, attend events with delegates and adult chaperones and help with activities as needed.
- Encourage youth to apply for 3<sup>rd</sup> and 4<sup>th</sup> year KYG positions for the following year. Work with other Steering Committee members to schedule interviews for Sunday night utilizing the questions and judging matrix provided.
- Starting in 2017, it has been suggested that the District KYG Coordinators and other KYG Steering Committee members help plan meetings after the conference to facilitate the completion of KYG projects by delegates and youth Steering Committee members.
- Starting in 2017, it has been suggested that each Steering Committee member fundraise for the KYG Conference, at least \$200 per person per year.
- Assist with planning and carrying out ideas for sharing KYG experiences back in the counties. This might include presentations to 4-H clubs and other organizations, area or county Mock Legislative Sessions, etc.
- Serve as a role model for the other KYG youth by following KYG policies, and dressing and acting appropriately.
- Pick-up from person in charge, gifts which you will need to present to guests and helpers. Take gifts to workshop/event where you will present them.
- Conduct District Meetings Saturday and Sunday evenings.
- Write thank you notes to people who helped you prepare for and carry out your role.

## **WORKSHOPS - YOUTH LEADERSHIP ROLES**

### **Legislator**

- Review the Legislative Branch Section in *Advanced Citizenship*.
- Read and carry out assignments in *Advanced Citizenship*.
- Research ideas for legislative bill before the Summer Meeting. Select a topic at the meeting. Write the bill and submit it to the Legislative Sub-committee Chair by the end of Summer Meeting.
- Obtain a copy of *Mason's Rules of Order*, and become familiar with the parliamentary procedure used in the Legislature.
- Read newspaper accounts and watch TV news reports regarding what is happening in the Legislature.
- If possible, meet with a local legislator and ask him/her to give you some pointers.
- Assist Legislative Sub-committee Chair and meet with delegate committee members during orientation.
- Meet with Legislative Sub-committee Chair, legislators and lobbyists before delegates arrive at Capitol.
- Conduct the Committee Meeting:
  - Call the meeting to order.
  - Announce the bill being considered.
  - Ask for testimony and recognize those wishing to speak.
  - Encourage discussion of bill.
  - Call for motions and votes.
  - Announce the results of votes.
  - Adjourn the meeting.
  - Present the bill in the Mock Floor Session.
  - If the Speaker of the House also serves as a Committee Chair, he/she needs to appoint someone from his/her committee to present the bill.
- Present thank you gifts.

### **Judge**

- Review Judicial Branch Section, in *Advanced Citizenship*.
- Read and carry out assignments in *Advanced Citizenship*.
- Review the information sent to you on jury trials, judges' duties, and the Mock Trial Preliminary Information.
- You might want to watch a court TV program to become somewhat familiar with the way a judge deals with objections, testimony, etc.
- If possible, meet with a local district or magistrate judge, or attorney.
- Meet with Judicial Sub-committee Chair Saturday morning and at the Ada County Courthouse on Monday morning.
- Assist Judicial Sub-committee Chair during orientation.
- Preside over the Mock Trial.
- Decide the outcome of the Trial.
- Participate in the Sentencing Hearing as assigned.
- Present thank you gifts.

## **Speaker of the House**

- Review the Legislative Branch Section in *Advanced Citizenship*.
- Read and carry out assignments in *Advanced Citizenship*.
- Obtain a copy of *Mason's Rules of Order*, and become familiar with the parliamentary procedure used in the Legislature.
- Read newspaper accounts and watch TV news reports regarding what is happening in the Legislature.
- Read and become familiar with the bills to be considered in the Mock Committee Meetings.
- Meet with the Speaker of the House prior to the Conference.
- Assist Workshop Coordinator during orientation.
- Meet with Legislative Sub-committee Chair, legislators and lobbyists before delegates arrive at Capitol.
- Preside over the Floor Session:
  - Call the session to order.
  - Announce the first bill being considered.
  - Ask the sponsoring legislator to present the bill and speak on it.
  - Open debate and recognize those wishing to speak.
  - Consider motions, if made.
  - Close debate and call for the vote.
  - Announce results of the vote.
  - Ask for presentation of the next bill.
  - When all bills have been considered, adjourn the session.
- Present thank you gifts.

## **Justice**

- Review the Judicial Branch Section in *Advanced Citizenship*.
- Read and carry out assignments in *Advanced Citizenship*.
- Work with Judicial Sub-Committee Chair to prepare KYG case.
- Preside over the Mock Trial activities during the judicial workshop and participate in the Sentencing Trial.
- Present thank you gifts.



## Advanced Citizenship – KYG Steering Committee

*Note: This project is designed to be a two-year project if youth is selected for additional steering committee positions.*

### Project Requirements:

1. Attend the 4-H Know Your Government Conference and complete the KYG project
2. Select which workshop you are participating in – either Legislative or Judicial. *If you select Legislative, Legislator would be your first year and Speaker of the House would be your second year. If you select Judicial, Judge would be your first year and Justice would be your second year.*
3. Give an oral presentation (speech, demonstration, or illustrated talk) on a topic related to this project
4. Work through the Advanced Citizenship – KYG Steering Committee Project Manual.

#### **Legislative 1<sup>st</sup> Year – Legislator** - Complete the four activities:

- 1)  Bill Study (pg. 18)
- 2)  Parliamentary Procedure Study (pg. 25)
- 3)  Legislator Activities (pg. 27)
- 4)  Practice Makes Perfect Activity (pg. 29)

#### **Legislative Second Year – Speaker of the House** - Complete the three activities:

- 1)  Parliamentary Procedure Study (pg. 26)
- 2)  Speaker of the House Activities (pg. 27)
- 3)  Course of Bill Activity (pg. 30)

#### **Judicial 1<sup>st</sup> Year – Judge** - Complete the three activities:

- 1)  Judicial Branch Study (pg. 36)
- 2)  Judge Activities (pg. 39)
- 3)  Laws Study (pg. 41)

#### **Legislative Second Year – Justice** - Complete the three activities:

- 1)  Judicial Branch Study (pg. 37)
- 2)  Justice Activities (pg. 39)
- 3)  Interpretation Study (pg. 42)

5. Complete an Idaho 4-H Project Record Book each year you do the KYG project.
6. 4-H Involvement Report

### Exhibit Requirements:

- 4-H Project Record Book
- 4-H Involvement Report
- Completed study questions and signed off suggested activities from Advanced Citizenship Project Manual (#11005)
- Poster or Display illustrating something you have learned in the project.

### Support Materials:

- Idaho KYG Website:  
<http://www.uidaho.edu/extension/4h/events/stateevents/knowyourgovernmentconference>
- State of Idaho website: <http://www.idaho.gov>
- Idaho Blue Book: <https://sos.idaho.gov/elect/bluebook/>
- Idaho State Constitution: <http://www.sos.idaho.gov/civics/Resources/id-constitution.pdf>
- Idaho Department of Labor: <https://labor.idaho.gov>
- Association of Idaho Cities: <http://www.idahocities.org/>
- Idaho Association of Counties: <http://www.idcounties.org>

## Life Skills Objectives KYG

The 4-H Youth Development Program is committed to teaching youth important knowledge and skills through the many project areas offered. Life skills developed, in the process of a project, serve as a cornerstone to the influence we make on young people. KYG strives to teach a certain level of civics and governance to our 4-H participants. However, perhaps more important is meeting the learning objectives based on the Targeted Life Skills Model, which is the foundation of our curriculum. For example, even if delegates what role the lieutenant governor serves in the legislature, they will surely remember that to negotiate and come to a compromise, they need to not only listen carefully to what others say but also clearly state their thoughts, feelings and ideas. In addition, because they will be working with people from other counties, they will remember the effort it takes to work with people who are different from them.

Using the Iowa State University Extension Targeting Life Skills Model (November 1996), the KYG committee aims to meet these specific objectives in the following areas:



### HEAD

**Critical Thinking:** Analyzing, comparing, reasoning and reflecting focused on deciding what to do  
**Planning/Organizing:** Developing a method for doing something that has been thought out ahead of time; how the parts can be put together

### HEART

**Communication:** Clearly stating thoughts, feelings and ideas to others; Listen carefully to what others say  
**Accepting Differences:** Treat people who are different from me with respect; Work/play with people who are different from me

**Social Skills:** Skills used when interacting with others to behave in the accepted manner or customs of the society in which they live; adapting well to one's social environment

### HANDS

**Marketable Skills:** Contribute as a member of a team; Accept responsibility for doing a job  
**Leadership:** Assists a group in meeting its goals by showing or directing along the way

### HEALTH

**Self-discipline:** Being accountable for one's behavior and obligations

**Self-responsibility:** Understand it is important to follow through on commitments



## Introduction

Idaho state government is a representative democracy, which means that the voters elect candidates to represent them on issues. There are three branches of state government in Idaho: the **state legislature** (the House and the Senate), the **executive branch** (comprised of the Governor and administrative agencies) and the **courts or judicial system**. Each branch has "checks" over the others in order to "balance" their powers.

The powers of each branch are described in the Idaho Constitution. The constitution is the source of authority for all three branches. It defines the role of each branch and specifies how the branches interact:

- ❖ The **legislature** passes the laws we live under.
- ❖ The **executive branch administers** (that is, carries out) the laws.
- ❖ The **judicial branch**, through the courts, apply the laws to people accused of violating laws or to people who have a complaint against someone else or a business. These are all done within limits set by the constitution.

There are several types of **local governments - county, city and taxing districts**. These are the governments closest to the people and the ones that most directly affect people. Local governments have certain powers that are granted to them by the state government.

This member's manual summarizes the roles of each branch of government and explores the roles of citizens, lobbyists and the media. It focuses on the basics and is designed to stimulate your thinking on how Idaho government works, as well as help you see your part in the workings of government.

Keep in mind that citizens who are informed about their government are better prepared to participate in the various governmental processes. This is true whether they participate as active political party members, as lobbyists, members of a jury or as conscientious voters. Good luck and have fun as you attend the 4-H Know Your Government Conference and complete the project to help you prepare yourself for these roles!

## The Legislative Branch

The Idaho Legislature is responsible for enacting, amending and repealing the laws. It also oversees the administration of state agencies.

The bicameral (two-chamber) Legislature of Idaho is composed of 105 members elected for two year terms from legislative districts throughout the state. The state is divided into thirty-five (35) legislative districts. (See chart on next page.) One (1) senator shall be elected from each legislative district. Two (2) representatives shall be elected from each legislative district.

Elections are held in November of even-numbered years, and the newly elected legislators take office December 1 following the election.

Representatives and Senators must be citizens of the United State, electors of the state and residents of their legislative districts for at least one year prior to election.

The Idaho Legislature held biennial sessions until 1969. A constitutional amendment changed that to annual sessions. From 1969 to present, the Idaho Legislature has convened at the hour of twelve o'clock noon on the Monday on or nearest to the ninth day of January. Regular sessions have lasted an average of eighty days. Extraordinary sessions meet on the call of the Governor. Extraordinary sessions are limited to twenty days and are restricted to consideration of agenda items specified in the Governor's call and incidental matters.

### Leadership

The Lieutenant Governor, who is not a member of the Senate, but an elected executive branch officer, presides over the Senate. When presiding over the Senate, he is designated the President of the Senate. The Lieutenant Governor can vote only when the Senate is equally divided over a matter. The Senate elects a President Pro Tempore from its own membership who is responsible to act as President of the Senate in the absence of the Lieutenant Governor. As a member of the Senate, the President Pro Tempore has the right to vote on all matters. The President Pro Tempore is second in line of succession to the governor.

In the House of Representatives, the Speaker of the House is the presiding officer. He is elected at the beginning of the session by the membership, and is traditionally a member of the majority party.

The majority party of each house selects majority and assistant majority floor leaders to assist in maintaining order and discipline. Likewise, the minority and assistant minority floor leaders are selected by the members of the minority party. Each party is also represented by a caucus chairman who presides over regular conferences held to decide party policies and action.

The Republican and Democrat leadership of each house arrange committee appointments and chairmanships. The actual appointments are made by the President of the Senate and the Speaker of the House for their respective houses.

## Legislative Language

These terms will help you understand what the legislature does.

**Amendments** - Additions to or deletions from a proposed bill.

**Appropriation** - The setting aside of state money for particular uses. The appropriations bill are the major bills that must be passed every year by the legislature. The constitution requires that Idaho have a balanced budget.

**Bill** - A proposed new law or change in an existing law; only a legislator can introduce a bill. Only about 15 to 20 percent of all the bills introduced ever become law.

**Code** - A compilation of laws on a given subject or for a whole state.

**Committee** - A group of legislators designated by either the House or Senate to consider and make recommendations on issues referred to it.

**Committee Report** - An official release from a committee of a bill or resolution.

**Effective Date** - The date when a law goes into effect.

**Executive Order** - Rule or decision of the Governor.

**Fiscal Year** - An accounting period of 12 months. Idaho's fiscal year is July 1 to June 30.

**Kill a bill** - To make a motion to strike a bill's enacting clause, or to vote against it.

**Omnibus Bill** - One that relates to, or provides for, many things at once.

**Precinct** - A subdivision of a county, town, city, or ward for election purposes.

**Reading of a Bill** - Every legislative measure must be "read" three times in each house before passage.

**Veto** - To refuse to approve a bill

## Legislative Jargon

To make it quicker and easier for those that work in and with the Legislature, informal jargon has evolved. Here are some of the more frequently used clichés:

**The 3rd floor** - The 3rd floor of the Capitol building where the Legislature meets.

**The man on the 2nd floor** - The Governor of Idaho.

**The 3rd House** - Where the lobbyists hang out.

**Gallery** - The balcony of the house and senate chambers where the public can view the legislature in session.

**JFAC** (jay-fac) - Joint Finance and Appropriations Committee

**Get a bill out of committee** - To invoke some unplanned strategy to get a bill passed by a committee.

**Send it to the floor** - To pass a bill by a committee and forward it to the full House/Senate.

**Majority** - 50% + 1.

**Sine Die** (sigh-knee-die) - To adjourn the legislature at the end of the session.

**In Caucus** - The Democrats and Republicans are meeting as separate groups to discuss issues or strategy.

**On the floor** - The main chamber of either the Senate or House.

**Take a walk** - A legislator will step out of the main floor to avoid voting on a bill.

**Mark up a bill** - To send the bill to amending orders for changes.

**Green light** - In the House, it means to vote for a bill.

**Red light** - In the House, it means to vote against a bill.

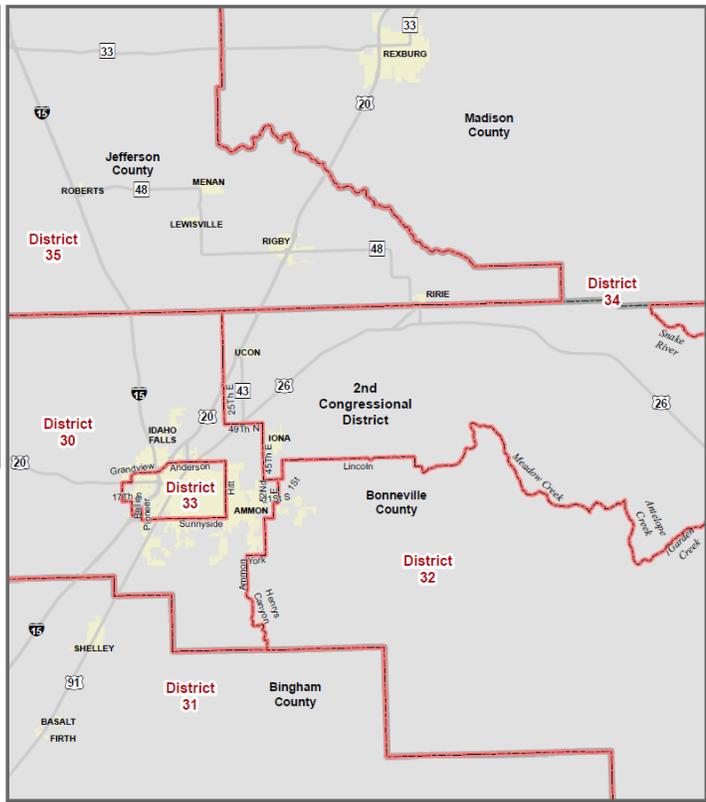
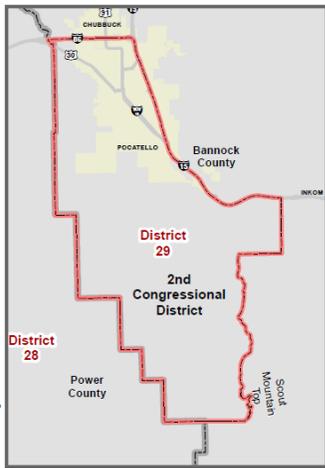
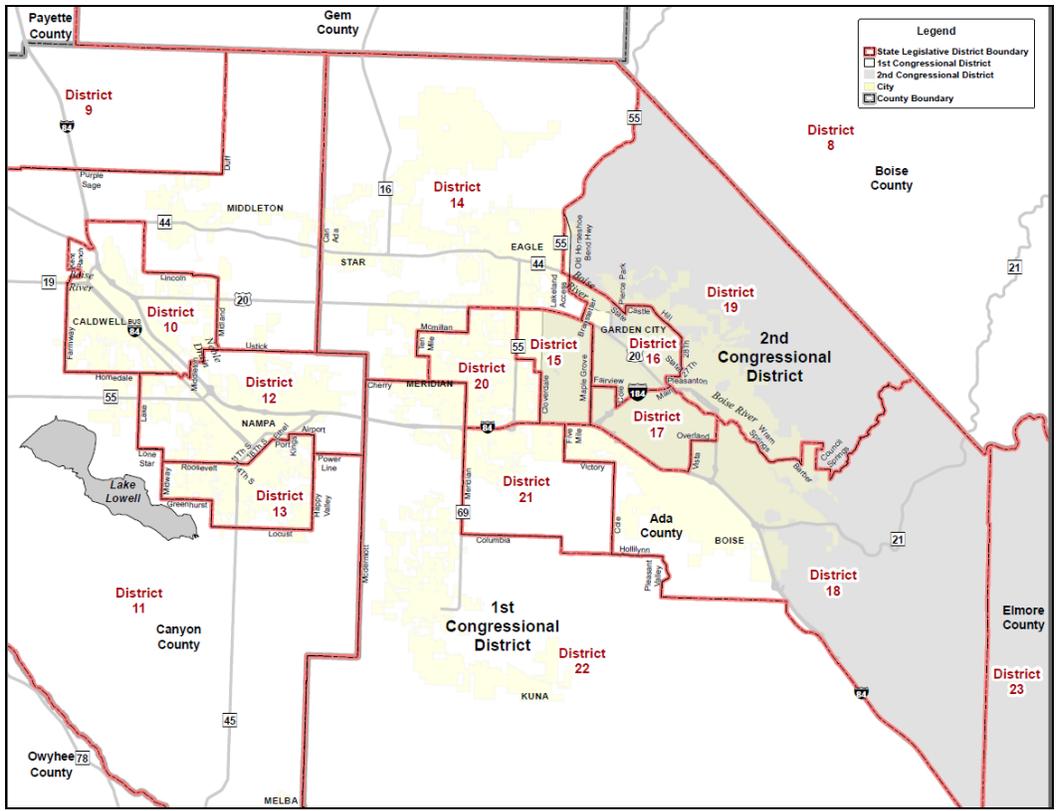
**Get 'em lined up** - To get commitments for a favorable vote from a group or committee.

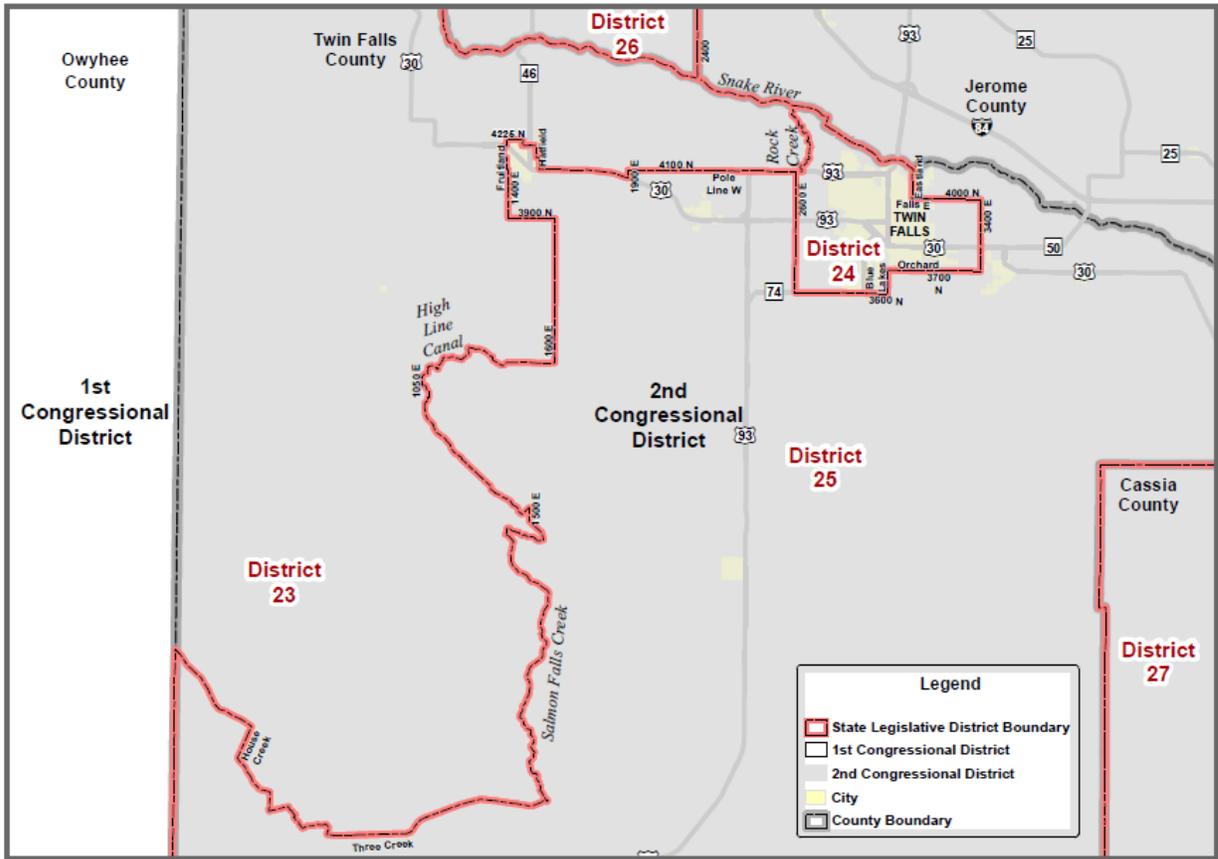
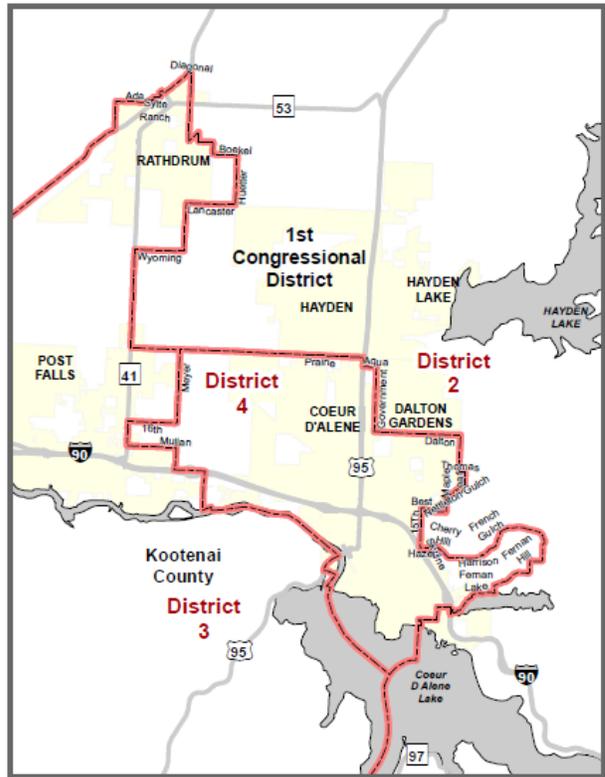
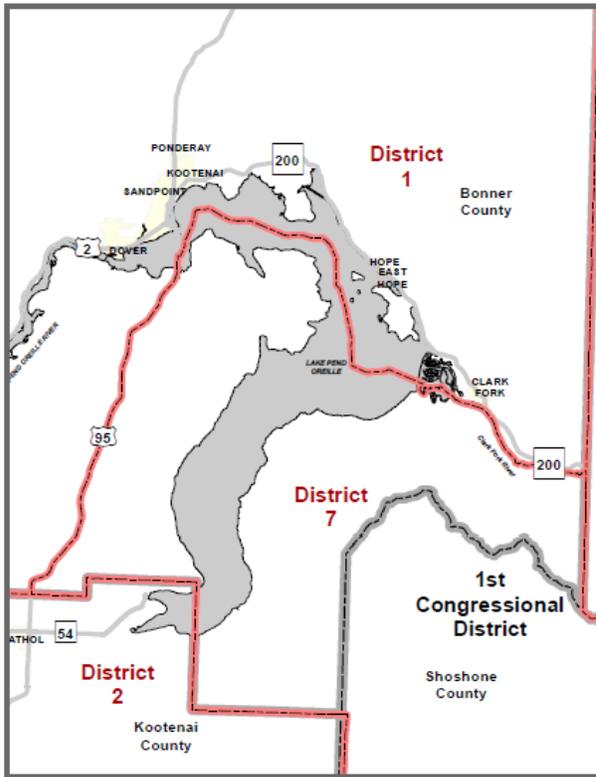
**Across the rotunda** - One legislative chamber referring to the other.

**It's watered down** - A bill that has been amended to the point of ineffectiveness.

**Goin' home bill** - A controversial bill of any kind that must be passed before adjournment.







## How Bills Becomes Law

A bill is a proposal for the enactment, amendment, or repeal of a statute for the appropriation of public money. A bill may originate in either the House or the Senate (with the exception of revenue measures, which originate in the House of Representatives). It must be passed by a majority vote of each house of the legislature on a roll call vote.

A bill cannot become law until it has been read on three separate days in each house of the Legislature previous to the final vote on the bill. In the case of urgency, two-thirds of the members of the house where the bill is pending may vote to dispense with this provision.

For the purpose of this discussion, introduction is considered to have been in the House of Representatives. The differences in the Senate and House procedures are minor.

### Introduction

A bill may be introduced in the Legislature by a member or group of members or by a standing committee. After the bill has been drawn in proper form for introduction, the original bill and 15 additional copies are presented to the Chief Clerk who assigns the House Bill a number by which it will always be known. The numbered bill is then introduced by reading it on the Order of Business "Introduction and First Readings of Bills". Bills which have been introduced by the other house are received and placed on the same Orders of Business and treated in the same manner as new bills in the house of origin.

### First Reading

The bill is read the first time and is then referred by the Speaker of the House of Representatives to the Judiciary, Rules and Administration Committee for printing. After the bill is printed, it is reported back by the Judiciary, Rules and Administration Committee and is referred to a standing committee by the Speaker.



### Reports of Standing Committees

Each committee to which the bill is referred conducts a study which may include research, open or closed hearings, expert testimony, statements of interested parties, and any information which may help the committee judge the scope of the proposed law and determine its effect.

A committee reports out a bill with one of the following recommendations:

- Do pass
- Without recommendation
- To be placed on General Orders for amendment
- Do not pass (A bill is seldom released by a committee with this recommendation.)
- Withdrawn with the privilege of introducing another bill
- Be referred to another standing committee.

Many bills are not reported out by committees and "die" in committee.

### Second Reading

When a bill is reported out of committee, it is placed on the Second Reading Calendar and is read again. The following legislative day, the bill is automatically on Third Reading unless other action has been taken.

### Third Reading

The Clerk is required to read the bill at length. It is normal procedure, however, for the members to give unanimous consent to dispense with this reading at length.

It is at the Third Reading that the bill is ready for debate and the final passage of the bill is taken at this time. Each bill is sponsored by a member who is known as the "floor sponsor" and who opens and closes debate in favor of passage of the bill. After debate has closed, the members vote on the electronic voting machine. Each member present must cast either an "aye" or "nay" vote. A bill is passed by a majority of those present.

If a bill fails to pass, it is filed by the Chief Clerk. If the bill is passed, it is transmitted to Senate where it may go through a similar process.

### Senate Action on House Bills

After the final action by the Senate on a House Bill, it is returned to the House with a message explaining the Senate's action. If the bill passed the Senate without amendment, it is enrolled by the House Judiciary, Rules and Administration Committee, signed by the Speaker of the House of Representatives and the President of the Senate and transmitted to the Governor for his action.

### Committee of the Whole

When a printed bill is to be amended, it is referred to the Committee of the Whole for amendment. At the Order of Business, the House resolves itself into the Committee of the Whole House and the entire membership sits as one committee to consider changes to both House and Senate bills.

When a House Bill has been amended by the Committee of the Whole, and the committee's report on the amendment(s) accepted by the House, it is referred to the engrossing committee where the amendments are inserted into the bill and is then placed back on the Calendar to be considered as a new bill.

### Governor's Action

After receiving a bill passed by both the House and the Senate, the Governor may:

1. Approve the bill by signing it within five days after its receipt, Sundays excepted.
2. Allow the bill to become a law without his approval by not signing it within the five days allowed.
3. Disapprove (veto) the bill within the five days allowed and return the bill to the house of origin giving his reason for disapproval. (The exception here is that in the event the Legislature has adjourned "sine die", the Governor has 10 days to veto the bill.)

A bill may become law over the Governor's veto if both houses vote to override the Governor's veto by a two-thirds vote of the members present in each house. When a bill is approved by the Governor or becomes law without his approval or over his veto, it is transmitted to the Secretary of State for assignment of a chapter number in the Idaho Session Laws. The bill then becomes a law July 1, except in the case of an emergency clause.



# PARLIAMENTARY PROCEDURE

## ROBERT'S RULES OF ORDER

### Mason's Manual and Robert's Rules of Order



Seventy of the 99 legislative chambers in the United States use Mason's Manual as their parliamentary authority. Thirteen use Jefferson's Manual, and only 4 use Robert's Rules of Order. The recent trend has been a move to Mason's Manual. Between 1991 and 1999, at least 10 legislative assemblies changed to or added Mason's as the back-up to their chamber rules.

*Robert's Rules of Order* were designed for civic groups and private organizations and to deal with bylaws, motions and resolutions. There is a difference between public bodies and private organizations. In a public body, the powers do not reside in the members themselves. State legislatures exercise the powers that are delegated to them by the people. The organization and powers of a public body cannot be changed by its members; any change must be made by the authority that created it-the people. The powers of voluntary associations arise from the agreement of the members. They are governed by contract. Also, the members of a private association speak for themselves. They represent no one. They are controlled by no outside power.

*Mason's Manual* was compiled by people who work in or with legislatures, and it is designed to deal with bills and other issues and problems that arise within the legislative environment. For example, *Robert's Rules* requires motions to be seconded, but *Mason's* does not. According to *Mason's*, the effect of requiring a second to a motion is to require that no business can be presented except by two people-one who makes the motion and one who seconds it. A member representing a constituency in a state legislature is entitled to present a matter for consideration of the body without having the support of a second, unless by law or by rule a second is required. *Mason's* also discusses the concept of the election of officers, what constitutes a meeting, and how to waive the rules. It relies more on the use of a simple majority, making it easier to conduct business. In addition, *Mason's* contains sections on dealing with other branches of government, something not addressed in *Robert's*.

## The Basics

### The Agenda

The agenda is the skeleton of any meeting. It serves two important purposes: first, it allows the organization to stay focused on the business at hand. Below are the different parts of a typical agenda:

1. Call to order - This is done by the Chair (Presiding Officer) at the beginning of the meeting. This signifies the “official” start of the meeting. The chair will usually say something to the “effect” of, “this meeting will come to order.”
2. Roll Call - The Secretary or Records Officer of an organization usually performs this duty. The Roll Call is where the Records Officer verbally takes attendance from the voting members of the organization. This is very important so that it can be determined that the minimum number of voting members is present to conduct business. This is called a *quorum*.
3. Minutes from Previous Meeting - The Records Officer will usually distribute printed copies of the minutes to the members. At this time, the Chair may accept corrections or additions to the minutes, in motion form.
4. Committee/Officer Reports - This is where any standing committees or officers can give reports on items that they have been working on that are of importance to the members. No discussion is allowed at this time, the reports are strictly informational.
5. Unfinished (Old) Business - Unfinished business is where any issues that were left from the previous meeting are dealt with. All business from previous meetings must be dealt with before beginning New Business. These items of business are generally motions that were not disposed of before.
6. New Business - New Business consists of action items that members of the organization want the group as a whole to consider. These are almost always in motion form, asking for the group to DO something. A member who wants to introduce New Business must first obtain the “floor” which means that he or she has permission to speak given to them by the Chair. New Business includes all aspects of dealing with a motion, from the introduction, to debate, to the final vote.



7. Announcements - This section of the meeting is generally where members can get up and make non-action item statements. Many times, in organizations different representatives will inform the group what they have been doing that is of interest to the other members. No motions are allowed in this section of the meeting, except for the motion to adjourn.
8. Adjournment - This is the final motion of the meeting. Once all business has been taken care of, a member may rise to make the adjournment motion. Or, if there is no more business and nobody is asking for the floor, the Chair may ask if anyone wants to present a motion before the Chair. That is generally a clue that it is time to adjourn the meeting. This motion is non-debatable and must be taken to a vote directly after the second.

### **Bringing Business to the Floor**

In Parliamentary procedure, the only way to get your organization to do anything is to take a vote on something. Before that can happen, you need to bring the idea (motion) to the members so they know what you want to vote on. In order to present such a motion, you need to **obtain the floor**. When it is time for New Business on the agenda, you may want to introduce a motion to the rest of the group. In order to do this; you must have permission from the Chair to speak. This is called **obtaining the floor**. The way you do this is to stand up and address the Chair by saying "Mr., (or Madame) Chair!" Then the Chair of the meeting will recognize you by saying, "The Chair recognizes Jane Doe." After that, you may proceed with presenting your motion.

### **Motions**

There are four groups of motions. It is important to understand the different types of motions because there is a rank or order of preference that motions follow. In other words, certain motions are considered before others. Knowing the types of motions and their rank, helps meetings go smoothly and business conducted efficiently.

### **Main Motions**

The main motion is a motion that brings business before a group of people. Main motions can only be made when no other motion is pending. It ranks lowest in the order of precedence of motions. Main motions are what we would normally think of when we think of motions.

### **Subsidiary Motions**

Subsidiary Motions assist the group in dealing with a Main motion. This can include disposing of a Main motion or altering it in some way. **Subsidiary Motions** rank **third** in the order of preference.

Some examples of important Subsidiary Motions are:

- **Postpone Indefinitely** will dispose of the Main motion without bringing it to a direct vote.
- **Motion to Amend** will alter a Main motion's wording to clarify a meaning to make it more passable.
- **Refer to Committee** will refer the current Main motion to a standing committee that can examine the subject further and return to group with results.
- **Motion to Lay on the Table** will set aside the pending Main motion indefinitely unless a majority of the members wish to bring the subject up again.
- **Move to Previous Question** will immediately close debate, prevent any further subsidiary Motions, and bring the pending Main motion to a vote.

## **Privileged Motions**

Privileged motions are different from the first two classes because they are not usually related to the pending business at hand. However, they have to do with special matters of immediate importance which, without debate, should be allowed to interrupt the consideration of anything else. Privileged motions rank first in the order of precedence, with a couple of minor exceptions.

Some examples of Privileged motions are:

- **Call for Orders of the Day** will force a group that has gotten away from its original agenda to enforce its schedule strictly, unless a 2/3 majority decides to set the agenda aside.
- **Raise a Question of Privilege** is used when a member is being affected by things such as noise, heat, ventilation, guests, etc. The member can then interrupt pending business to take care of the item that is bothering him or her.
- **Move to Recess** can be used to take a short break even when business is pending. In order to use this motion, the maker of the motion must specify a length of time for the recess.
- **Move to Adjourn** is a motion made by a member that will end the meeting immediately. A member can make this motion even if business is still pending, provided that a time for the next meeting has been officially set.

## **Incidental Motions**

Finally, Incidental Motions are used when members have specific questions about procedure or questions about the voting that has taken place on the pending or main motion. These motions generally must be dealt with immediately, and most are non-debatable. Another difference between Incidental Motions and other motions are that generally members do not have to wait for the Chair to recognize them. Simply standing up and making the motion is legal. Although there are many different Incidental Motions, the ones that are the most frequently used in Political Conventions are:

- **Point of Order** is used by a member to question whether a breach of parliamentary procedure has occurred. The Chair will rule on this question and the ruling will stand.
- **A member who doubts the Chair's ruling in a voice vote uses division of the House.** The Chair will then take a standing count of the votes for and against a motion.
- **Division of the Question** is used to separate a main motion into separate parts. The two motions must be able to stand as separate motions. Then each question is considered separately instead of one main motion.
- **Requests for Inquiries:** There are several of these, the most important ones are listed below:
  1. **Parliamentary Inquiry** is an inquiry as to the Chair's opinion on a matter of parliamentary procedure.
  2. **Point of Information** is an inquiry as to facts affecting the business at hand—always directed to the Chair.

## **Seconding a Motion**

In parliamentary procedure, there is a potential for many frivolous motions. In order to make sure at least one other member wants to discuss a motion, all Main, Subsidiary, and privileged motions require a "second." After someone makes a motion, a different member of the group may just call out "second" or "I second the motion" in order to let the Chair know that there is more than one person interested in debating the topic.

## Debating a Motion

After a motion has been moved and seconded, debate starts. There are certain rules of debate that help to keep the debate orderly and quick. Here is a summary of the important rules of debate:

1. The maker of the motion gets the first opportunity to speak about the motion first.
2. After the maker of the motion speaks, the Chair will try to alternate between arguments that support the motion and arguments that oppose the motion.
3. All comments made during debate **MUST** be relevant to the current motion. The Chair has authority to interrupt a speaker and ask them to sit down if they are not being relevant.
4. The Chair will only recognize people who get his/her attention, therefore it is in your best interest to stand up and loudly say “Mr. (or Madame) Chair!”
5. Always remember to speak to the Chair when debating. Never debate another member directly. When speaking about another member’s statements, address the member in the third person—pretend you are telling the Chair about what that other person said. (Use “he” or “she” instead of “you”).

## Voting

After debate has ended, the motion will come up for a vote. The Chair will ask for any further debate, and if there is none, he/she will directly proceed to a vote. Generally, most business is taken care of with a voice vote, where the Chair will ask for the “yeas” and “nays.” Once both have spoken up, the Chair will use his/her judgment to determine which side has a majority. If there is any question on the Chair’s ruling then a member usually calls for a Division of the House, and the vote will be retaken, members will stand instead of using their voices.



In political conventions, when it is time to choose a nominee and adopt a platform, a roll call vote is used. This is a vote where the clerk, secretary, or records officer uses the attendance list and records each person’s vote individually. This is rather time consuming, it is generally used only for important matters such as the two mentioned above.

## Easy Reference Guide for Motions

Motion	Type*	In order when another has the floor	Requires a second?	Debatable?	Vote Required for Adoption
Main Motion	M	No	Yes	Yes	Majority
Adjourn	P	No	Yes	No	Majority
Amend a Motion	S	No	Yes	Yes	Majority
Refer to Committee	S	No	Yes	Yes	Majority
Division of Assembly	I	Yes	No	No	Demand of Single Member
Division of Question	I	No	Yes	No	Majority
Point of Information	I	Yes	No	No	Not voted upon
Lay on the Table	S	No	Yes	No	Majority
Call for Orders of the Day	P	Yes	No	No	Demand of Single Member
Point of Order	I	Yes	No	No	Ruled upon by the Chair
Parliamentary Inquiry	I	Yes	No	No	Not voted upon; Responded to by Chair
Postpone Indefinitely	S	No	Yes	Yes	Majority
Move to Previous Question	S	No	Yes	No	2/3 Majority
Question of Privilege	P	Yes	No	No	Ruled upon by Chair
Recess	P	No	Yes	No	Majority
Suspend the Rules	I	No	Yes	No	2/3 Majority

\* M= Main Motion, P= Privileged Motion, S= Subsidiary Motion, I= Incidental Motion



## Parliamentary Procedure Study - Legislator

1. For each of the following motions, write in what type of motion it is – either a Main Motion, a Subsidiary Motion, a Privileged Motion, or an Incidental Motion.

Motion	Motion type
“I move that our club purchase a string of party lights.”	
“I move that we lay that motion on the table.”	
“Point of information, Madame Chair...”	
“Point of Personal Privilege, Mr. Speaker, is it too noisy in here, and I cannot hear the other members.”	
“I move that we postpone this motion indefinitely.”	
“I would like to amend the motion to read....”	
“I move to adjourn.”	

2. Name four rules of debate and explain why each one is important.
3. Why are motions seconded in meetings?
4. Why is roll call taken before conducting any business?
5. Circle which motion comes first in order of precedence?
  - A. Subsidiary
  - B. Main
  - C. Privileged
  - D. Incidental



## **Parliamentary Procedure Study – Speaker of the House**

1. Why do you think the Legislature uses parliamentary procedure to run their meetings?
2. Parliamentary Procedure helps carry out the rule of the majority; how does it also respect the rights of the minority?
3. How does utilizing Parliamentary Procedure bring together the wishes of all group members to form a cooperating, united perspective when there are many diverse opinions and thoughts?
4. What group outside of KYG would you see Parliamentary Procedure being effective in improving meetings? How can you bring it to them?
5. Explain what your role was at the KYG Orientation(s) held at local/district level.
6. Where and how will you use the skills learned after KYG? Identify places, activities or opportunities that you will commit to using these skills.



### Activities for Legislative Branch - Legislator:

Have your leader date and initial the activity when it is complete. Attach all reports and written work.

Activity	Description	Initials & Date
Report	Provide an overview of your proposed bill for the KYG legislature. Collect newspaper or web articles on it. Summarize the pro and con arguments and write about what happened to the bill at the mock legislative session.	_____
Report	Observe the legislature in session. Discuss the bill they were debating and some of the pro and con arguments.	_____
Create your own Report or Activity	Topic should be relevant to your role as a Legislator. Describe:	_____

### Activities for Legislative Branch – Speaker of the House:

Have your leader date and initial the activity when it is complete. Attach all reports and written work.

Activity	Description	Initials & Date
Report	Report about your experience serving as Speaker of the House. Describe in detail how you provided leadership and support to the legislators.	_____
Report	Report about the steps/requirements to become Speaker of the House in Idaho.	_____
Create your own Report or Activity	Topic should be relevant to your role as Speaker of the House. Describe:	_____





### Practice Makes Perfect - Legislator

Practice is important to successful presentations and debating bills is no different. Use this form to help delegates with their committee presentations, recreate as needed.

**Directions:** Attach one completed form as proof of work (do not include delegate name)

	EXCELLENT	OK	NEEDS IMPROVEMENT	COMMENTS
<b>CONTENT</b>				
Introduction				
Establishing Main Idea				
Transitions				
Sup-points				
Stories				
Examples				
Sincerity				
Humor				
Conclusion				
Organization				
<b>SPEAKING STYLE</b>				
Eye Contact				
Posture				
Gesturing				
Pacing				
Confidence				
Facial Expressions				
Volume				
Voice Inflection				
Handling of Mistakes				
Handling of Distractions				



## Course of Bill Activity – Speaker of the House

**Directions:** Arrange the following statements in the order that the events occur in the course of a bill through the Senate.

- A Read second time, section by section.
- B Referred to a standing committee.
- C After third reading and passage in the House, the bill is certified and returned to the Senate.
- D Transmitted to the Governor.
- E Third reading and final passage.
- F Read first time by title in the Senate.
- G Place on Senate calendar for second reading.
- H Transmitted to House to be signed in open session.
- I Sent to House to repeat the process.
- J Given chapter numbers in session laws and permanently filed by Secretary of State.
- K Considered by a standing committee.
- L Placed on calendar for third reading.
- M Signed by Governor.
- N Signed in open session by the President of the Senate.
- O Reading and record of committee report.

\_\_\_\_\_

1                      2                      3                      4                      5                      6                      7

\_\_\_\_\_

8                      9                      10                      11                      12                      13                      14

\_\_\_\_\_

15

## Judicial Branch

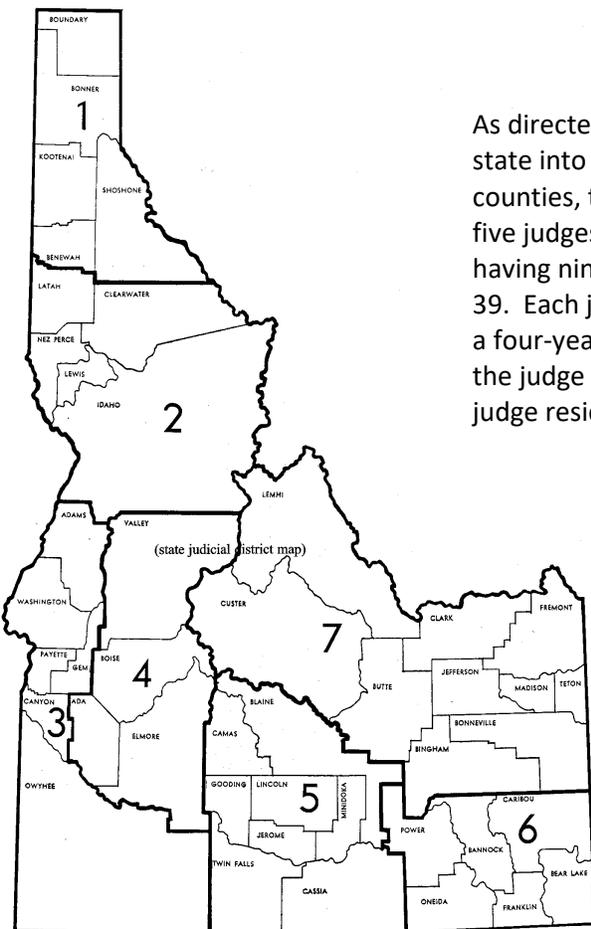
The Idaho Constitution gives the judicial power to the Courts of the state. The courts provide a means for settling disputes between citizens (through civil suits) and for prosecuting criminal charges brought against individuals by the state (in criminal cases). In carrying out their responsibilities, courts are called upon to apply and interpret the law and to protect the constitutional rights of individuals against arbitrary or unauthorized action by the government.

Sometimes the judiciary is called upon to determine whether the laws passed by the legislature or the actions of the executive branch of government are in conflict with the constitution of the United States or with the Idaho Constitution. If such laws or acts are unconstitutional, the courts have the power to set them aside. This power of the courts to declare legislative or executive acts unconstitutional is often referred to as "judicial review". The courts are conducted by judges with the assistance of court administrators and clerks. All of the judges (together with their administrators and clerks) from all the levels of the court system make up the judicial branch of government.

Idaho's court system today is recognized as a model for other states. Constitutional amendments and legislative changes in the early 1960's increased the Idaho Supreme Court's rule-making powers and gave it additional responsibilities for supervising the work of trial courts. The judicial reform measure also streamlined the trial courts by consolidating probate, justice and municipal courts.

### State Judicial Districts

As directed by the Constitution the Legislature has divided the state into seven judicial districts, each comprised of four to ten counties, two districts having four judges, three districts having five judges, one district having seven judges, and one district having nine district judges. The total number of district judges is 39. Each judge has a court reporter. A district judge is elected for a four-year term by the electorate of the judicial district in which the judge serves. Idaho has 82 magistrate judges, with at least one judge resident in each county.





## The Trial Courts

The district court is the trial court of general jurisdiction (can hear any kind of case). A magistrate division exercises limited (by subject matter or amount) jurisdiction. The magistrate division has a small claims department. The district court judges have original jurisdiction in all cases and proceedings. They may hear appeals from the magistrate division, and certain agencies and boards. There are 39 district court judges, who sit in each of the 44 counties. They are Idaho attorneys, elected by nonpartisan ballot within the judicial district in which they serve. Each district court judge is served by a court reporter who makes a record of all proceedings and testimony in a case.

Judges of the magistrate division hear many different kinds of cases, including: juvenile proceedings, divorces, criminal misdemeanor offenses and civil trials involving limited claims. They may issue warrants for the arrest or search warrants and may conduct preliminary hearings to determine probable cause on felony complaints.

There are 82 magistrates, with at least one magistrate resident within each county. Seven district trial court administrators assist with judicial duties. Magistrates may also hear small claims cases where \$3,000 or less is involved. The small claims department is designed to provide a quick inexpensive solution to such claims. No attorneys are allowed in small claims cases, nor are there jury trials. Appeals from small claims decisions are taken to a lawyer magistrate judge.

- One judge conducts the trial
- Jury or single judge decides the case
- Lawyers present evidence
- Witnesses swear to tell the truth and answer questions from lawyers
- Is the first court to decide who should win in a dispute
- Is the first court to decide whether or not the defendant is guilty

## Preparation for a Jury Trial – Overview

### Step 1 Legal Conflict

There is a conflict that can be decided by taking it to court. (Not all conflicts can be decided by courts of law.) In criminal cases, the conflict is between the government and the person accused of committing the crime.

### Step 2 Attempted Settlement

In civil cases, the lawyers try to settle the conflict without having to go to court. If this doesn't work, the person with the complaint can decide to take it to court.

### Step 3 Filing Papers

In civil cases, a paper called a complaint is filed in court that describes the plaintiff's claim against the defendant. The defendant's lawyer can then file an answer that denies the complaint in some way. In criminal cases, the pleading is called the indictment. It states the government's charge or complaint against the defendant.

#### Step 4 Lawyers Get Facts

Lawyers get all the facts by interviewing witnesses and examining evidence (such as x-rays or medical bills). They may go to the scene of the crime or accident. Sworn written statements witnesses make before a trial in response to lawyers questions are called depositions. There are certain rules lawyers must follow when taking depositions.

#### Step 5 Lawyers Prepare for Trial

Lawyers decide which facts are important to bring out at the trial and prepare questions that will get witnesses to testify about those facts. The lawyers usually go over the questions with their witnesses before the trial.

#### Step 6 Trial Begins

Criminal trials must occur within a short time (30-60 days) after indictment, because of the constitutional right to a speedy trial (Sixth Amendment). It usually takes several months to a year for a civil case requiring a jury trial to come to court. To open the court, the bailiff calls the court to order. The judge comes in and the name of the case is announced.

#### Step 7 The Voir Dire

More than 12 jury members are chosen for every case. During voir dire, the lawyers and judge ask the prospective jurors questions and the lawyers decide which jury candidates they want as jurors on that case. A panel of up to 36 is sworn in and selection of the jury (12 general in superior court, 6 in district court) plus two alternates is made from the panel.

#### Step 8 Opening Statements

The plaintiff's lawyer (or the prosecutor) gives the opening statement first. The defense lawyer can make his/her opening statement at that time or just before questioning his/her witnesses. In the opening statement, the lawyer greets the jury, summarizes the case from the perspective of the plaintiff or defense, summarizes the evidence to support their side and requests a verdict in favor of their side.

#### Step 9 Prosecution/Plaintiff Case-in-Chief

Plaintiff's lawyer (or prosecutor) calls his/her witness(es) to the stand first. The lawyer asks the witnesses questions to bring out facts that are favorable to the plaintiff's (or prosecution's) case. The lawyer also presents physical evidence and asks the witness who know about it to identify it. After direct examination of each witness for the plaintiff (or prosecution), the lawyer for the defendant cross-examines by asking the witness more questions to bring out facts which are favorable to the defendant or which show that the witness is unsure, confused, or not telling the truth in his/her testimony.

#### Step 11 Motion to Dismiss

After all the plaintiff's (or prosecution's) witnesses have testified and all the evidence has been presented, the defendant's lawyer may ask the court to dismiss the case, or throw it out of court. If the judge thinks that all of the plaintiff's evidence was not enough to prove his/her case, the judge will dismiss the case. That would be the end of the trial. However, few cases are dismissed. Usually judges go ahead with the trial and ask the defendant to try to support his/her side of the case.

#### Step 12 Defense Case-in-Chief

The defendant's lawyer calls the defense witnesses to the stand and asks questions to bring out facts that are favorable to the defendant. The lawyer also presents physical evidence favorable to the defendant and asks a witness who knows about it to identify it. The plaintiff's lawyer (or prosecutor) may cross examine each of these witnesses for the defense by asking them specific questions which might bring out facts

favorable to the plaintiff (or prosecution) or which might show they are unsure, confused, or not telling the truth in their testimony.

#### Step 13 Closing Arguments

After all the testimony has been heard, each lawyer makes a short speech to the jury. First, the plaintiff's lawyer (or prosecuting attorney) speaks. Then, the defendant's lawyer gets a turn. Both lawyers thank the jury, review the evidence that has been admitted that support their case, argue how the evidence establishes legal responsibility (using the law), discuss the other side's weaknesses, and ask for a verdict.

#### Step 14 Judge Instructs the Jury

After the closing statements, the judge reads instructions to the jury about the law applicable to the case.

#### Step 15 Jury Deliberates

The jury leaves the courtroom and is taken by the bailiff to a private room where they will make their decision. Their decision is called the verdict.

#### Step 16 Reading of the Verdict

The jury returns to the courtroom. The jury foreperson reads the verdict to the judge. The trial is then over. (In criminal cases, the bailiff takes charge of the defendant if he/she is found guilty.)

### **Putting on a Mock Trial**

<http://www.azflse.org/download.cfm?filename=2007SimplifiedRulesofEvidence&type=pdf&loc=mocktrial>

### **Steps in a Mock Trial**

<http://www.azflse.org/download.cfm?filename=2007StepsinaMockTrial&type=pdf&loc=mocktrial>



## Judicial Language

**Appeal** - Take a case to a higher court for review.

**Attorney** - Lawyer, counsel.

**Civil Case** - An action in which one person sues another person for damages or other relief because of some injury or wrong done.

**Clerk** - Court official who keeps court records, official files.

**Criminal Case** - An action brought by the state, county, or city against an individual, charging the person with committing a crime.

**Felony** - A very serious crime such as murder or armed robbery, where imprisonment is usually for more than one year.

**Jurisdiction** - The area and types of cases which a court has authority to hear and decide.

**Jury** - A group of people (usually twelve), chosen by law and found satisfactory to both sides in a lawsuit, to decide the facts of the case and enter a verdict.

**Lawyer** - A person who has been licensed to represent others in legal matters.

**Misdemeanor** - A less serious crime, such as resisting arrest or petty larceny, where imprisonment cannot be in the state penitentiary.

**Testimony** - Evidence given by a witness under oath.

**Trial** - A proceeding in a court for the purpose of settling a legal problem by considering the evidence on both sides.

**Warrant of Arrest** - a written order to arrest a certain person issued by a court to a peace officer (police officer, sheriff, etc.)

**Writ** - An order of the court directing someone to do something.





## Judicial Branch Study - Judge

Is the description applicable to Trial court or Appeals court? Circle T for Trial and A for Appeals court

1. T A One judge conducts the trial.
2. T A Decisions made in this court must be followed by all trial courts that are under them.
3. T A The jury or a single judge decides the case.
4. T A No evidence is presented.
5. T A Is the first court to decide who should win in a dispute.
6. T A Gives its decisions in a written opinion.
7. T A The bailiff swears in the witnesses.
8. T A First court to decide if a defendant is guilty.
9. T A Lawyers only make arguments.
10. What critical thinking skills are necessary for different roles in a trial? Where will you be planning on using your critical thinking skills the most during the trial?
11. What is an objection? Why is it important to learn about objections?



## Judicial Branch Study - Justice

**Instructions: For each situation described below, explain whether you would object to admission of the evidence. If so, on what grounds would you make your objection? If you were offering the evidence, can you think of a way to get it in despite objection? How would a judge rule?**

1. Doug is on trial for auto theft. As an alibi, Doug testifies, "Cindy told me that Jim had stolen that car for a joy ride. She never touched it."
2. Trial for arson. A witness for the defense testifies that the defendant was with her on the night of the crime. The prosecutor asks, "Isn't it true that you used cocaine when you were in college three years ago?"
3. Mr. Wirtz, an English teacher who knew the defendant since high school, testifies for the prosecution that Joe has deep psychological problems.
4. On direct examination, the defense attorney asks, "You could hear the noise from the next apartment very clearly, couldn't you?"
5. The witness, a waitress, testifies that the bartender had mentioned to her that the defendant had ordered five shots of whiskey the night of the crime.
6. Police officer Jones testifies that when he entered the victim's apartment he saw the defendant trying to climb out the window.
7. The prosecutor asks the witness, "Didn't you tell the defendant's attorney that you had seen the defendant take the money?"
8. Sally has never seen Amy with her son. Can Sally testify that Amy is a horrible mother?
9. In a trial for embezzlement, the defense introduces a diploma to show that the defendant graduated from high school.
10. The prosecution calls a witness to testify that the defendant had shoplifted for years before being arrested for grand theft.





### Activities for Judicial Branch – Judge:

Activity	Description	Initials & Date
Report	Provide an overview of the proposed mock trial case for the KYG Courts. Reflect on the difference in perspective as a judge versus being in the mock trial roles as a delegate.	<hr/>
Report	Report about the Mock Trial at the KYG Conference. Discuss what happened in the court room and the outcome of the trial.	<hr/>
Create your own Report or Activity	Topic should be relevant to your role as a Judge. Describe	<hr/>

### Activities for Judicial Branch – Justice:

Activity	Description	Initials & Date
Report	Report about your experience serving as Justice. Describe in detail how you provided leadership and support to the judges.	<hr/>
Report	Report about the steps/requirements to become a Supreme Court Justice in Idaho.	<hr/>
Create your own Report or Activity	Topic should be relevant to your role as Justice. Describe:	<hr/>

## Laws That Impact All Branches of Government

### State of Washington v Eckblad: No. 74109-3

**Legislature** In 2002, the Legislature passed the primary seat belt law, meaning law enforcement could ticket a driver for not wearing a seat belt. Prior to this law change, law enforcement could only cite a driver for not wearing a seat belt if they had also been violating another law, such as, speeding. Because not all vehicles have seat belts (vehicles built before 1968 were not required to have safety belts), the law referred to a federal motor vehicle safety standard to tell citizens whether they were required to wear a seat belt. According to this safety standard, any vehicle built before 1968 was not required to have a safety belt so not anyone driving a car built before 1968 had to wear a seat belt. There were other exceptions to this rule but it only affected a small population.

**Executive** Beginning July 2002, law enforcement began issuing tickets to non-seat belt wearing drivers and passengers. On February 5, 2003, Trevor Eckblad, 31, of Everett, WA, was arrested by a Washington State Patrol trooper on Highway 20 at the west edge of Concrete. He was one of three passengers in a 1982 pickup truck stopped because another passenger (not Mr. Eckblad) was not wearing a seat belt. According to court documents, during this traffic stop, the smell of marijuana and alcohol led the trooper and a Concrete police officer to search the truck. The officers found drugs and a handgun allegedly belonging to Eckblad, who as a convicted felon, is not permitted to have a gun.

**Judicial** Mr. Eckblad's case came up in Skagit County Superior Court. While he was not given a seat belt ticket, his attorney argued that the law permitting the seat belt stop was unconstitutional. Under RCW 46.61.688, the determination of whether a person is required to wear a seat belt is solely conditioned on the type of vehicle in which he or she is riding. However, when reading RCW 46.61.688, one cannot figure out whether one's vehicle is one in which passengers are required to be belted because the standard the law adopts (Federal Motor Vehicle Safety Standard 208) cannot be readily located and, if found, cannot be understood by the public.

Without the probable cause the primary seat belt law afforded them, troopers would not have stopped the truck and therefore, would not have had probable cause to search the vehicle and would not have found the gun. Eckblad filed a motion to suppress evidence with the trial court, alleging that the stop was unconstitutional. The trial court granted the motion and held that RCW 46.61.688 was unconstitutional and void because the law as written was vague. The state appealed this decision to the Washington State Supreme Court and presented oral arguments on May 18, 2004 and court presented their decision October 2004. They disagreed with the trial judge and decided the law was not vague.



## **Laws Study – Judge**

Working from the case sample, answer the following questions:

1. What happens if the Supreme Court rules the law unconstitutional?
2. Who can change the law to make it less vague?
3. Does the Legislature need to wait for a Supreme Court ruling to do this? Why?
4. Why do we have a system that uses checks and balances?
5. How does the checks and balances process help (or hinder) Judges?



## Interpretation Study - Justice

### The Rule

No hats in the classroom

### Background Information

- A hat is defined as a head covering, worn for various reasons (protection against weather conditions, ceremonial reasons like graduation, religious reasons, safety, or as a fashion accessory).
- The design of the law lies with the traditional, respectful behavior of men not to wear hats indoors.
- The purpose of the law is to aid teachers by creating a safe classroom. Hats have been utilized the following ways in the school:
  - Carrier of lice
  - Gang paraphernalia
  - Distraction – taken off by another student, students play with it during class creating a disrupting learning environment
  - Identification – it is difficult to properly identify students with the hat pulled down low over the eyes (or covering the face)
  - Cliques/bullying – certain types of hats is an unspoken way to exclude and bully others

The rule seems clear, but some disputes have arisen over the interpretation of the rule. In the following cases, the teacher has removed the hat of the offender. The students who have lost their hats have filed an appeal with you and a panel of judges in a youth court.

How would you interpret the rule to determine if the rule has been violated in each of the cases:

- a) A cowboy hat worn on Western day during Spirit Week
- b) A baseball hat to cover a bad haircut
- c) A burhka worn for religious observance
- d) A stocking cap to keep the head of a chemotherapy patient warm
- e) Birthday hats during a birthday party

Does the rule create more difficulties than having no rule at all? Why?

Should laws be written in absolute terms or should there be flexibility to adapt to changing situations? Can they be both?

How is the rule example similar to what judges have to do to determine and interpret the meaning of laws written by the legislature?

