



LAW WISE

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Greetings from the Kansas Bar Association (KBA).
Welcome to this fifth edition of *Law Wise* for the 2017-2018 school year.

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CALENDAR OF EVENTS

March KBA YLS High School Mock Trial Competition in Topeka

April.....Financial Literacy Month
May 1 Law Day

Enjoy your



A Previous Kansas Governor’s Resignation

Few Kansans might connect the executive branch of state government with baseball, but more than 60 years ago, a Kansas governor’s resignation was part of a “triple play” and led to an amendment to the Kansas Constitution. This “triple play” shows the interaction among the three branches of Kansas government in a relatively short time, playing out over two years.

In the 1956 Republican primary, Warren Shaw defeated incumbent Governor Fred Hall. Shaw lost the general election to Democrat George Docking. One of Hall’s ardent supporters was Kansas Supreme Court Chief Justice Bill Smith, who was considering stepping down due to declining health. Smith did not want Docking, after he was inaugurated in January, to name the new chief justice.

So, Chief Justice Smith, Governor Hall, and Lieutenant Governor John McCuish devised a plan to prevent Docking from doing so. Smith retired on December 31, 1956, because of his health. On January 3, 1957, Hall resigned as governor, which made McCuish governor until Docking’s inauguration. The day of McCuish’s elevation to the governor’s office, he appointed Hall to the Kansas Supreme Court as an associate justice. This appointment was McCuish’s only official act in his 11 days as governor. Ultimately, Hall became Chief Justice.

While these actions were legal, many Kansans saw what came to be called the “triple play” as unethical. As a result, in 1957 the Kansas Legislature passed a resolution for a constitutional amendment changing the selection of judges from a partisan election to an appointment process. Sixty percent of voters approved this amendment in the 1958 general election.

This episode demonstrates the interaction of the three branches of Kansas government. It also points to the importance of a clear line of succession in the executive branch.

Article 1, section 11, of the Kansas Constitution states, “The legislature shall provide by law for the succession to the office of governor should the offices of governor and lieutenant governor be vacant, and for the assumption of the powers and duties of governor during the disability of the governor, should the office of lieutenant governor be vacant or the lieutenant governor be disabled.”

The Kansas Legislature has designated, in case of these offices' vacancies or in case of disability of the offices' holders, the line of succession to be the president of the Senate and then the speaker of the House of Representatives.

The recent elevation of Kansas Lieutenant Governor Jeff Colyer to the governor's office led some Kansans to speculate whether the lieutenant governor's position should remain vacant until the general election this autumn. Kansas statutes list no time frame for filling a vacancy in the lieutenant governor's office. The fact that Colyer became governor only a few months before general elections in November has also led to questions about who can run for Kansas' top executive office.

The Kansas Constitution spells out requirements for candidates running for the legislature as: "a qualified elector who resides in his or her district." The Kansas Constitution also delineates requirements for supreme court justices, and district courts judges as "at least thirty years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law." Requirements for judges on the Court of Appeals are established by state statute.

The Kansas Constitution says little about qualifications for candidates for the executive branch, which includes the governor, lieutenant governor, secretary of state, and attorney general. For these offices, the Kansas Constitution states that candidates "shall have such qualifications as are provided by law." Oddly, the Kansas Legislature has designated no requirements for candidates for the executive branch—not being a registered voter, not being a Kansas resident, and not being a minimum age.

Given the absence of requirements in Kansas statutes, several non-traditional candidates have tried filing to be candidates for Kansas governor; several are not old enough to vote, at least two have never been to Kansas, and someone filed the paperwork to form a candidate committee for his dog to run for governor (see story on Page 3).

Not surprisingly, some Kansas legislators are working on bills to specify requirements for candidates for executive department offices. The ability to turn a triple play is unlikely to be one of the requirements.

Learn More about Kansas' 47th Governor

Governor Jeff Colyer was born in Hays, Kan., where he graduated from Thomas More Prep. He earned a bachelor's degree in economics from Georgetown University and a master's degree in international relations from Cambridge University.

Colyer then earned a medical degree from the University of Kansas School of Medicine. Later, he was a surgical resident at the Washington Hospital Center, at the University of Missouri-Kansas City, and at Craniofacial/Pediatric Plastic Surgery in Dallas. Colyer has a plastic surgery practice in Overland Park and still sees patients when his schedule permits.

Governor Colyer began his political career in 2006 by being elected to the Kansas House of Representatives. After serving one term in the House of Representatives, he was elected to the Kansas Senate in 2008. He left that post after being elected Lieutenant Governor in 2010 on a joint ticket with Sam Brownback. They were re-elected in 2014, and Colyer took the oath of office in January 2018 after Brownback resigned.

How to Contact Governor Jeff Colyer

Office of the Governor

State Capitol Building
300 SW 10th Ave., Ste. 241S
Topeka, KS 66612-1590

Toll Free: 877-KSWORKS (877-579-6757)
Local: 785-296-3232

For the Hearing Impaired: 800-766-3777

Constituent Services / Government Affairs
State Capitol Building
300 SW 10th Ave., Ste. 264W
Topeka, KS 66612-1590

Toll Free: 877-KSWORKS (877-579-6757)
Local: 785-368-8500

Other 2018 Kansas Election Information

For a candidate who is a member of one of the two major political parties, the deadline for filing is June 1, 2018. The filing deadline for independent candidates is August 6, 2018.

All 6 state-wide executive offices are on the ballot this November:

- governor,
- lieutenant governor,
- attorney general,
- secretary of state,
- treasurer, and
- insurance commissioner.

Voters will elect 5 of the 10 seats on the Kansas State Board of Education this year:

- District 1,
- District 3,
- District 5,
- District 7, and
- District 9.

All 125 House seats are up for election in 2018. No state Senate seats are scheduled for election in 2018; all will have elections in 2020.

2018 Law Day Theme

Separation of Powers: Framework for Freedom

The U.S. Constitution sets out a system of government with distinct and independent branches—Congress, the Presidency, and a Supreme Court. It also defines legislative, executive, and judicial powers and outlines how they interact. These three separate branches share power, and each branch serves as a check on the power of the others. “Ambition must be made to counteract ambition,” James Madison explained in Federalist 51. Why?

Madison believed that the Constitution’s principles of separation of powers and checks and balances preserve political liberty. They provide a framework for freedom. Yet, this framework is not self-executing. We the people must continually act to ensure that our constitutional democracy endures, preserving our liberties and advancing our rights. The Law Day 2018 theme enables us to reflect on the separation of powers as fundamental to our constitutional purpose and to consider how our governmental system is working for ourselves and our posterity. To download a guidebook and access other Law Day resources, visit www.lawday.org

Teenagers and Dogs Run for Governor

A bill (HB2539) introduced by Kansas State Rep. Blake Carpenter of Derby, Kan., addresses a gap in the law that does not set an age requirement for running for governor. Under this proposal, however, minors would no longer be able to file as a candidate for governor, lieutenant governor, secretary of state, attorney general, state treasurer and insurance commissioner. In addition, the bill requires that every candidate for attorney general be licensed to practice law in Kansas.

The age loophole became apparent when several teens announced they would run for governor. Jack Bergeson (Wichita), Ethan Randleas (Wichita), Tyler Ruzich (Prairie Village), and Dominic Scavuzzo (Leawood), all 17-years old, are seeking the Governor’s office. In February, a Hutchison man filed papers to enter his dog, Angus, in the race for governor. The bill introduced by Carpenter requires that each candidate must be a qualified elector.

Track the progress of this bill:
<https://go.ksbar.org/KS-HB2539>



Angus, a wire-haired Vizsla like the dog in the photo above, was registered to run for governor by his owner. However, Secretary of State Kris Kobach declared Angus ineligible as a candidate.

TERRIFIC TECHNOLOGY FOR TEACHERS

- **Ballotpedia**
https://ballotpedia.org/Main_Page
- **Civic Education**
<http://leg.wa.gov/CivicEd/Pages/LessonPlans.aspx>
- **Contact the Governor**
<https://go.ksbar.org/ContactKSGovernor>
- **CyberCivics**
<http://civics.ks.gov/>
- **iCivics**
<https://www.icivics.org/>
- **The Kansas Historical Society**
<http://www.kshs.org/>
- **Kansas Memory (primary sources online)**
<http://www.kansasmemory.org/>
- **The Kansas Legislature**
<https://go.ksbar.org/ksleg>
- **The Michigan Center for Civic Education**
<https://go.ksbar.org/MCCE-K-5>
- **The State Library of Kansas**
<https://kslib.info/>
- **Vote Smart**
<https://votesmart.org/>



March Buzz...from ESU

Your Rights and Responsibilities in Elections

By Janice Romeiser

Already, there are candidates for public office in Kansas. Some students are running for the highest state office. If you follow the news, you will find yourself thinking and rethinking the responsibilities of the Governor, as well as the other officials running for office. Many publications that address your rights and responsibilities may be found online and at your local library. Here at the Teachers College Resource Center, located on the Campus of Emporia State University, we have several resources that may contribute to the information you seek.

- **Leaders, Laws, and Citizens**: this book offers a general discussion of the story of Democracy and Government. Written at the 5th-6th grade level, it could be a beginning for a student who is interested in further study on our system of government.

- **Authority, Foundations of Democracy**: this book is written at the upper elementary level. It explores the foundations of authority, then evaluation of candidates, and finally rules and laws.

- **The Election Process in America**: this DVD surveys the right to vote. It offers background information about Constitutional Amendments, and how voting rights have grown. It implores citizens to seriously consider recommitting to this privilege, and to learn about the processes.

Feel free to contact us at 620-341-5292, or visit collections online at <http://emporiastate.worldcat.org> selecting the drop down box for Resource Center.

About the Law Wise Editor:



Sam Rabiola has taught Communication Skills, American Literature I, American Literature II, Advanced American Literature I, Comparative Mythology, Science Fiction, Dramatic Literature, The Epic Tradition, Humanities, College Writing, World Literature, AP Capstone, and 20th Century Literature at Lawrence

High and Lawrence Free State High in Lawrence, Kansas. He can be reached at srabiola@usd497.org

Lesson Plan 1: The Perfect Pizza

Grade Level: 1-8

(adapted from <http://leg.wa.gov/CivicEd/Pages/Teachers.aspx>)

This activity introduces students to the main ideas behind the legislative process: How do we make fair decisions that affect a large group of people? How do we make fair decisions when people have many different ideas about the appropriate course of action?

Time: 1 hour

Objective: Students will understand debate, compromise, and negotiation

Procedure:

1. Introduce the idea that people have many ways of solving problems. When a group of people share a common problem or challenge, they usually have different ideas about how to solve it and need to decide which solution to pursue. The democratic and legislative processes are about finding a fair way to determine a solution that most people agree fixes the problem.

2. Lead students in defining the terms below.

- legislator
- debate
- negotiation
- compromise

Ask students for examples from their lives when they have debated, negotiated, or compromised with someone else.

3. As a class, design a perfect pizza or cookie or school lunch. Have students raise their hands to share the qualities of a perfect pizza. Thin crust or thick? Red sauce or white? Extra cheese? What toppings? When disagreements arise, guide students to determine a way to arrive at a fair decision. Usually, voting by raising hands is effective, but with older students, the teacher might select a speaker for and against each decision to try to persuade other students. Raise the issue of minority rights: what if one student has a gluten or dairy allergy? Should the group consider using different ingredients so that everyone can share the pizza? Can we always accommodate everyone's needs perfectly? What are some fair alternatives?

Adaptations and Extension Activities

Formal debate

Before beginning the pizza design process, divide students into small groups and have each group design and illustrate its own perfect pizza. Bring the groups together to present their

pizzas and to try to persuade the class to vote for their option. Allow back-and-forth debate and "amendments" to combine parts of several pizzas to get broader consensus.

Research

Legislators often want to learn more about a proposal's specifics before they make up their mind. Keeping track of how much a proposal costs is also important. As the class brainstorms their pizza recipe, ask questions leading to more details about the process and look up the answers online through the process. For example, making a pizza requires flour, red sauce, and toppings. How much of each? How much do they cost? Is getting fancy toppings that cost more worthwhile if doing so means getting less pizza? Legislators ask staff experts and people affected for more information about a proposal, but legislators ultimately have to decide.

Note to Educators:

April is Financial Literacy Month

April is the time to check out these sites for information about how to establish and maintain healthy financial habits.

<https://go.ksbar.org/CFEE-FinanLitMonth>

<http://www.financialliteracymonth.com/About.aspx>

www.care4yourfuture.org

http://www.ksbar.org/on_your_own – A guide produced by the KBA Law Related Education Committee that includes sections on purchasing power, credit ratings and credit reports, and other helpful information.

Lesson Plan 2: How a Bill Becomes a Law

Grade Level: 9-12

(adapted from <http://leg.wa.gov/ScholarProgram/Pages/default.aspx>)

Time: 2 to 5 class periods, depending on the amount of time students have to work in and out of class

Objectives: Students will demonstrate a working knowledge of the Kansas legislative process through

- a. identifying, using, and explaining key terms in legislative process,
- b. hypothesizing possible legislative outcomes, and
- c. analyzing the relationship between government response to citizens' needs.

Procedure:

1. Teacher will introduce key concepts and process of how a bill becomes a law in Kansas.
2. Students will search the Kansas legislative website (<http://kslegislature.org/li/>) for three different examples of legislation and their status or outcome. One should have become a law.

3. Students in small groups discuss bills that they have researched to identify influences that might affect legislation (lobbying, government agencies, interest groups, citizens, public hearings, media, etc.).

4. Students will propose a game design that shows the legislative process for teacher approval. Distribute the student project information and rubric below.

5. Students develop the game.

6. Students will present their game to the class and play another group's game.

Possible variations:

- Incorporate the judicial branch
- Use current legislation
- Incorporate checks and balances
- Write legislation and present to a local legislator
- Have a legislator speak to class

Lesson Plan 3: How a Bill Becomes Law Game Project

Assignment: You and two or three other students will create a game that shows the Kansas legislative process. Select team members who are creative and can research, organize, and communicate clearly.

Product: A game that consists of all the steps of bill-making process from drafting to becoming law.

The game must show at least three paths for a bill:

1. a bill being successful in one chamber and not the other,
2. a bill failing in committee, and
3. a bill involving governor's action.

Students should show all ways that a bill can become a law.

The game must include typed rules and instructions.

The game board must include these terms:

- | | |
|-----------------|--------------------------|
| Drafting | Fiscal impact |
| Sponsorship | Floor discussion |
| Committee | House of Representatives |
| Rules committee | Senate |
| 1st Reading | Governor |
| 2nd Reading | Lobbying |
| 3rd Readings | Veto |
| Amendments | Law |
| Hearings | |

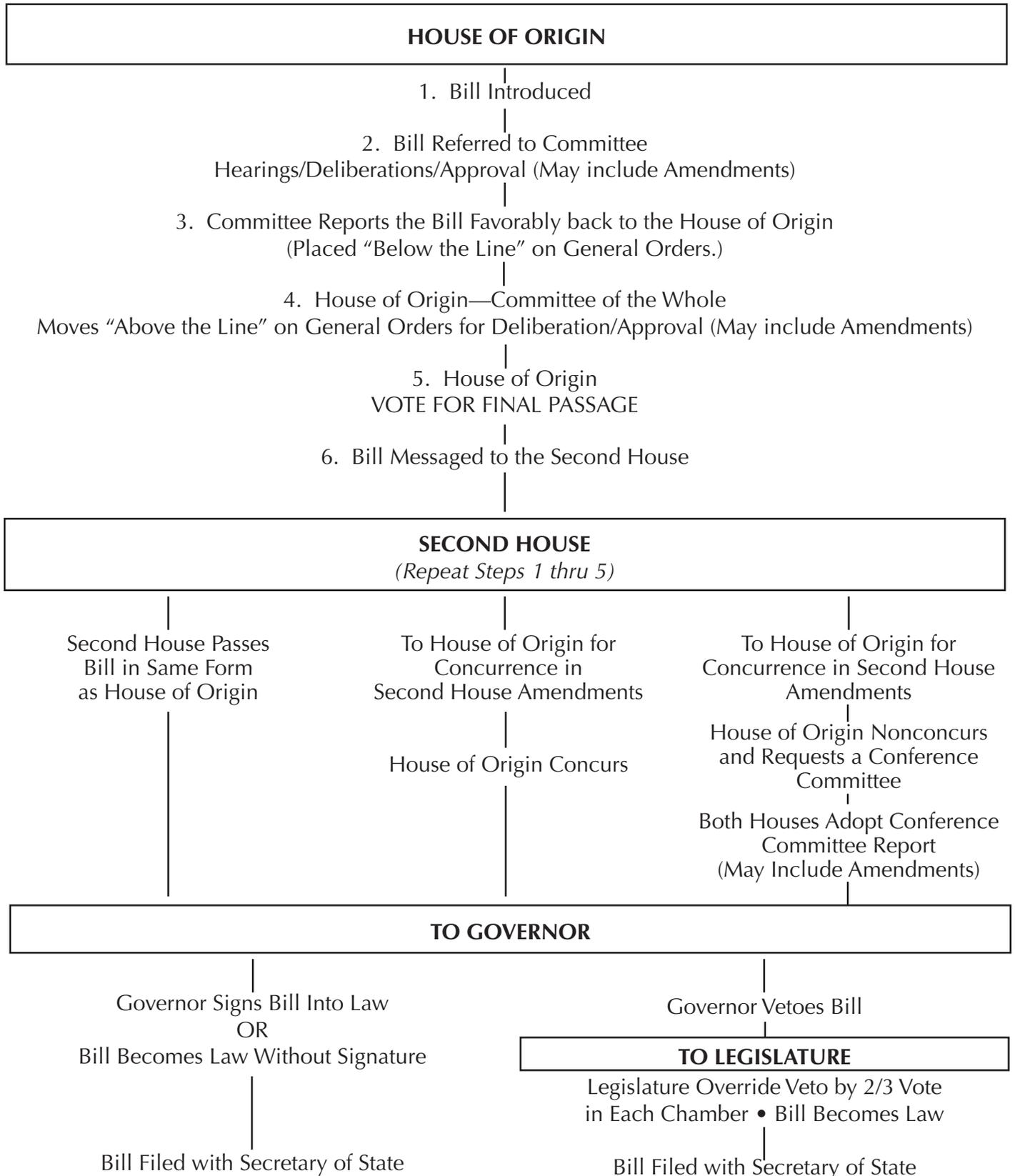
Your team has several options for your game's design: Trivial Pursuit, Life, Chutes and Ladders, a video game, Scene It?, and Candy Land. Your teacher must pre-approve any other game design options. Your teacher must pre-approve the design of all games.

Rubric:

- Game design = 10%
- Key terms = 30%
- Instructions, rules, and playability = 10%
- Incorporated 3 or more accurate pathways of legislation = 50%

How a Bill Becomes Law

The Kansas Legislature consists of two houses—the House of Representatives (125 Members) and the Senate (40 members). A bill may be introduced in either house. The main steps in the process in the law-making process are shown below.



Not Sure Who Your Representatives are in the Kansas Legislature?

It's easy to find out and to communicate with them!

First, type the following URL into your browser:
<http://www.kslegislature.org/li/>

You will land on a page that looks like this:



As you can see, you will be able to look up a legislator by name OR you can input your address to find your state representative and your state senator. The site provides info on the individual's committee assignments and how to contact that person by phone or email

Congratulations!

The regional KBA YLS High School Mock Trial Competition was held on Feb. 28 in Olathe and Wichita. Six teams advanced to state competition.

Olathe Regional Teams Advancing to State:

- First Place: Shawnee Mission North West High School
- Second Place: Olathe North High School
- Third Place: Shawnee Mission East High School

Wichita Regional Teams Advancing to State:

- First Place: The Independent School
- Second Place: Northeast Magnet High School
- Third Place: Sunrise Christian Academy

The State Competition will be on March 31st in Olathe.

Do you find Law Wise helpful?

We are always open to receiving comments, ideas and suggestions. Please contact awoods@ksbar.org with your responses.

Please let us know:

- Topics you would like to explore;
- Projects and lessons *you* have developed that you would like us to feature;
- Questions you would like to ask an attorney or judge.

We look forward to hearing from you.

Visit www.ksbar.org/lawwise to see archived issues, frequently asked questions, and to sign-up to receive six issues a year via email.



Law Wise FAQs

We have a list of FAQs available at <http://www.ksbar.org/LWFAQ>.

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