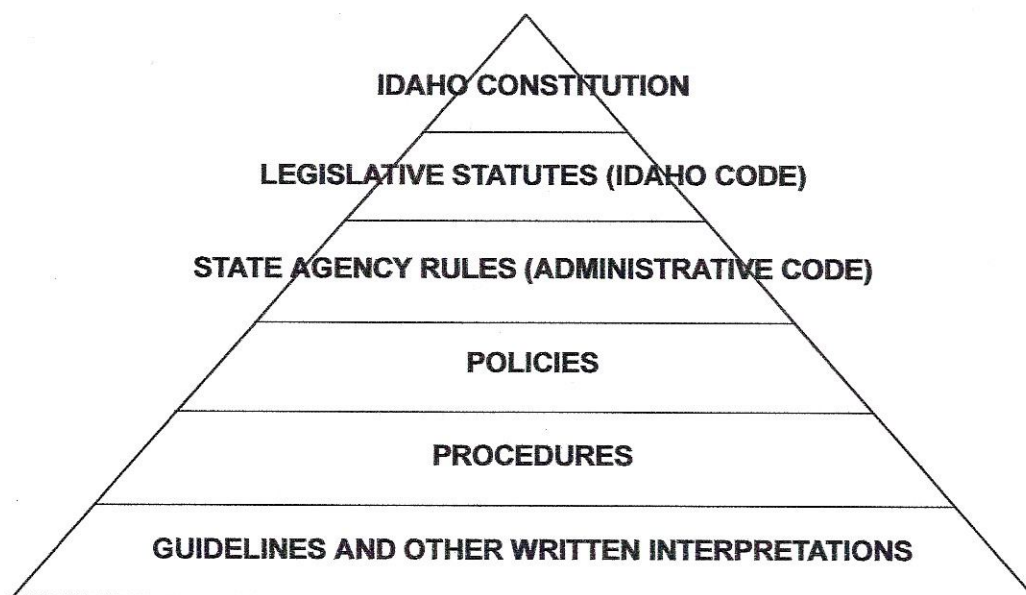


# HIERARCHY OF STATE DOCUMENTS



As with most organizations, a hierarchy is established to define the levels of precedent for state government documents. To illustrate these various levels, the analogy of a pyramid is useful. Each increasing level becomes smaller in size, yet greater in scope. The state Constitution defines the legislature. The legislation creating an agency defines and restricts the agency's authority, which in turn restricts the scope of its rulemaking powers.

**Idaho Constitution:** Supreme law of the land; very difficult to change; framework of the government.

**Legislative Statutes (Idaho Code):** Legislative branch of government creates the uniform laws from which society must operate. Law usually contains: 1) a program the Legislature wants accomplished; 2) the executive branch agency it designates to carry out the program; and 3) guidelines for implementation.

**Agency Rules (Administrative Code):** The executive branch of government is broken into various subdivisions known as departments, divisions, agencies, offices, bureaus, and commissions. Rulemaking is the law-making power of these subdivisions and is governed by the Administrative Procedures Act. Rules carry the force and effect of law and interpret, prescribe or implement a law or policy or the procedure and practice requirements of an agency. They govern what the public may or may not do. Agencies are charged with enforcing laws the Legislature passes. Rules made under the statutory authority are general in scope. They are made to apply to all persons in a class, not to particular parties or single individuals, and must be applied equally. Because the statute normally does not contain all details, the designated agency must interpret the Legislature's intent and develop a method to implement the program. Agencies do not originate state's policy, but rather merely implement the state's policy.

**Policy:** Mission statement. A general statement with no specifics. It is a high-level, overall plan embracing the general goals, acceptable methods, actions, and conduct of an agency. Usually an internal management tool used in the day-to-day operation of the agency. Does not have the force and effect of law

**Procedure:** Step-by-step implementation of policy. Does not have the force and effect of law.

**Guidelines:** Description of procedures. Does not have the force and effect of law.