Who Sets the Rules?

Trace a public safety rule through Idaho's state and local governments

9-12.GOV.45 "Explain the organization and powers of state and local government as described in the Constitution of the State of Idaho by analyzing legislative, executive, and judicial branches."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline what each state branch can do, circle a power given to local governments, and number one limit on that local power. Use your marks to explain how the parts of government work together.

A Rule for Winter Shelters

1. At a crowded winter shelter, a noisy backup generator sparks a debate about public safety rules. Idaho's constitution divides state government into legislative, executive, and judicial branches. It also gives local governments limited rulemaking power. Article III places legislative power in a Senate and a House of Representatives. Both chambers take part in passing statewide laws, such as a law setting safety standards for shelters. Article XII allows counties and incorporated cities or towns to make local police, sanitary, and other regulations within their limits, but those regulations cannot conflict with general laws. Local rules are not statewide statutes.

2. Who makes a safety rule work after it passes? Article IV places Idaho's supreme executive power in the governor. The governor can sign a bill into law or veto it, and the executive branch carries out state laws. For example, an agency might inspect shelters if a state law assigns it that job. A town might also enforce a valid local safety rule within town limits. These roles differ: the legislature makes statewide statutes, while executive officials put laws into action. A town's authority to make local regulations does not turn its officials into a fourth state branch.

3. Disagreements over a shelter rule can reach the courts. Article V places Idaho's judicial power in courts, including the Supreme Court and district courts. District courts hear many cases first, and the Supreme Court reviews cases on appeal. Courts can interpret laws and decide whether government action conflicts with a higher legal rule. Imagine that a state statute expressly permits certain backup generators in shelters, but a town rule bans every generator there. A court could examine whether the town rule conflicts with the statewide law. Unlike legislators or executive officials, judges resolve legal disputes rather than write or enforce safety rules.

2 ANSWER WITH EVIDENCE

Use the passage

1. A winter shelter needs a statewide safety standard. How would Idaho's legislative branch take part, and how is its power different from a town's rulemaking power?

2. After lawmakers pass a shelter-safety bill, what could the governor and an agency each do? Explain how these actions differ from passing the bill.

3. If a shelter-rule dispute goes to court, how could the district courts and Idaho Supreme Court each take part?

4. A state law expressly permits certain generators in shelters, but a town bans every generator there. Explain the limit on the town's power and what a court could decide.

3 YOUR TURN

Your own words

A county wants to regulate food trucks while Idaho lawmakers consider a statewide food-truck law. Write one paragraph explaining a possible role for each state branch, one rule the county could make, and a conflict that could bring the county rule before a court.

ANSWER KEY

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HIGH SCHOOL · 9-12.GOV.45

PART 1 · READ AND MARK

Underline what each state branch can do, circle a power given to local governments, and number one limit on that local power. Use your marks to explain how the parts of government work together. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	A winter shelter needs a statewide safety standard. How would Idaho's legislative branch take part, and how is its power different from a town's rulemaking power?	**The Senate and House take part in passing a statewide law. A town can make local regulations only within its limits, and they cannot conflict with general laws.**
2	After lawmakers pass a shelter-safety bill, what could the governor and an agency each do? Explain how these actions differ from passing the bill.	**The governor could sign or veto the bill. If it becomes law and assigns inspections to an agency, the agency could inspect shelters. Neither action is the legislature's work of passing a statewide law.**
3	If a shelter-rule dispute goes to court, how could the district courts and Idaho Supreme Court each take part?	**A district court could hear the case first, and the Idaho Supreme Court could review it on appeal.**
4	A state law expressly permits certain generators in shelters, but a town bans every generator there. Explain the limit on the town's power and what a court could decide.	**A town regulation cannot conflict with a general state law. A court could examine whether the ban conflicts with the law that permits certain generators.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The Idaho Senate and House could pass a statewide law requiring food trucks to refrigerate dairy products. The governor could sign or veto the bill, and executive officials could enforce a law that takes effect. The county could adopt a local sanitary rule requiring handwashing stations within its limits, as long as the rule does not conflict with general state law. If the county instead permitted food trucks to ignore the state's refrigeration requirement, a district court could hear a challenge, and the Idaho Supreme Court could review the case on appeal.

Accept other plausible food-truck rules if the response distinguishes statewide legislation, executive action, and judicial review. The county rule must operate locally and not conflict with general state law.