

Idaho Department of Correction 	Standard Operating Procedure Department- Wide General Administration	Control Number: 103.00.01.001	Version: 1.2	Page Number: 1 of 13
		Title: Idaho Administrative Procedure Act (IDAPA) Rules: Development, Revision, and Repeal		Adopted: 4-6-2012 Reviewed: 4-6-2012 Next Review: 4-6-2014

This document was approved by Brent Reinke, director of the Idaho Department of Correction, on 4/6/12 (signature on file).

Open to the general public: Yes No

If no, is there a redacted version available: Yes No

BOARD OF CORRECTION IDAPA RULE NUMBER

[None](#)

POLICY CONTROL NUMBER 103

[Rules and Policy Management System](#)

DEFINITIONS

[Standardized Terms and Definitions List](#)

IDOC Policy Coordinator: An Idaho Department of Correction (IDOC) Director's Office staff member who is responsible for (a) coordinating Idaho Administrative Procedure Act (IDAPA) rule and IDOC policy-related matters; (b) ensuring that policies, standard operating procedures (SOPs), directives, and their related forms and manuals are developed and managed pursuant to IDOC policy management system guidance; and (c) providing standardized procedures, templates, and other resources for managing field memorandums (FMs) and post orders.

PURPOSE

The purpose of this standard operating procedure (SOP) is to provide guidance on how to initiate, prepare, promulgate, manage, and repeal Idaho Board of Correction Idaho Administrative Procedure Act (IDAPA) rules.

SCOPE

This SOP applies to any IDOC employee **or** contract staff member who:

- Requests the development, revision, or repeal an Idaho Board of Correction IDAPA rule; or
- Writes, edits, formats, reviews, approves, distributes, implements, or retains an Idaho Board of Correction IDAPA rule.

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RESPONSIBILITY

Idaho Board of Correction

In accordance with Idaho Code 20-212, the Idaho Board of Correction is responsible for adopting, revising, and repealing Idaho Board of Correction IDAPA rules.

Director of the IDOC

The director of the IDOC (or designee) is responsible for:

- The developmental oversight of this SOP;
- Ensuring that the IDOC policy coordinator practices the guidance and procedure provided herein;
- Presenting proposed new or revised Idaho Board of Correction IDAPA rules to the Idaho Board of Correction; and
- Discussing with the Idaho Board of Correction any recommendation to repeal an Idaho Board of Correction IDAPA rule.

Division Chief or Deputy Chief

The division chief or deputy chief (as applicable) is responsible for:

- Implementing this SOP;
- Ensuring his employees practice the guidance and procedure provided herein; and
- Ensuring that IDAPA [06.01.01](#), *Rules of the Board of Correction*, is fully implemented within his division or bureau (as applicable).

IDOC Policy Coordinator

The IDOC policy coordinator is responsible for:

- Coordinating Idaho Board of Correction IDAPA rule development, revision, review, formal approval, distribution, or repeal.
- Writing, editing, formatting, reviewing, distributing, and retaining Idaho Board of Correction IDAPA rules.
- To the extent possible, ensuring that only approved standardized terms and definitions are used in Idaho Board of Correction IDAPA rules.
- As necessary, discussing Idaho Board of Correction IDAPA rule-related issues (to include making IDAPA rule recommendations) with the IDOC's Legislative Team.

Note: The Legislative Team is headed by the director of the IDOC's administrative support manager and consists of representatives from all IDOC divisions for the purpose of reviewing and making decisions on legislation **and** administrative rule.

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- Submitting approved Idaho Board of Correction IDAPA rules to the state of Idaho Office of Administrative Rules for review and publication in the *Idaho Administrative Bulletin*.

Standards and Operating Procedure Review Committee

The Standards and Operating Procedure Review Committee (SOPRC) is responsible for:

- Ensuring newly developed or revised Idaho Board of Correction IDAPA rules are consistent with IDOC policies, SOPs, directives, and their related forms and manuals;
- Ensuring newly developed or revised Idaho Board of Correction IDAPA rules do not negatively impact divisions and/or bureaus;
- Ensuring newly developed or revised Idaho Board of Correction IDAPA rules are clear and understandable;
- Making content changes **and** improvement recommendations to the IDOC policy coordinator; and
- As necessary, sending Idaho Board of Correction IDAPA rule-related issues (to include IDAPA rule recommendations) to the IDOC’s Legislative Team for discussion.

Deputy Attorneys General

The deputy attorneys general (DAGs) who represent the IDOC are responsible for:

- Reviewing all newly developed or revised Idaho Board of Correction IDAPA rules to ensure the rules comply with specific provisions of state of Idaho and federal law;
- Reviewing all newly developed or revised Idaho Board of Correction IDAPA rules to identify that content that may present a risk or liability issue for the Idaho Board of Correction **or** IDOC; and
- Addressing with the IDOC’s Legislative Team **and/or** IDOC policy coordinator any concerns or issues found with Idaho Board of Correction IDAPA rules.

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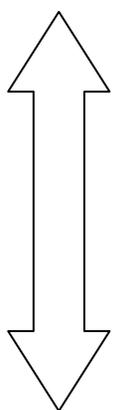
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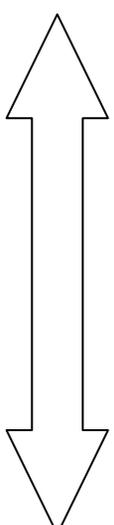
GENERAL REQUIREMENTS

1. Written Guidance and their Hierarchy

A hierarchical relationship exists between state of Idaho legislation **and** the guidance described herein this section. Excluding Idaho law (i.e., the Constitution of the State of Idaho **and** Idaho Code), the following table defines each guidance and its level of precedence from highest to lowest.

Precedence	Guidance	Distinguishing Features
Highest	Idaho Administrative Procedure Act (IDAPA) Rule	<ul style="list-style-type: none"> • Interprets, orders, and/or implements an Idaho law or IDOC policy, SOP, or directive that affects the rights of the general public. • Has the force and effect of law.
	Policy	<ul style="list-style-type: none"> • Serves as the official communication of IDOC management philosophy regarding IDOC operations, practices, and individuals under the authority of the director of the IDOC and Idaho Board of Correction. • Serves as a reference for future decision-making. • Does not have the force and effect of law (i.e., does not have the same power as law, but does provide an IDOC-required course of action to follow). • Identified by a three (3) digit control number.
		<p>Note: For further information, see SOP 103.00.01.002, <i>Policy: Development, Revision, and Management</i>.</p>
Lowest		

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Precedence	Guidance	Distinguishing Features
<p>Highest</p>  <p>Lowest</p>	<p>SOP or Directive</p>	<ul style="list-style-type: none"> • SOP – provides instruction and/or step-by-step procedure for implementing an IDOC policy. • Directive – provides instruction for implementing an IDOC policy. • Neither has the force and effect of law (i.e., does not have the same power as law, but does provide an IDOC-required course of action to follow). • Both are identified by a 10 digit control number. <p>Note: For further information, see SOP 103.00.01.003, <i>Standard Operating Procedure (SOP) and Directive: Development, Revision, and Management</i>.</p>
	<p>Field Memorandum (FM) and/or Post Order</p>	<ul style="list-style-type: none"> • FM – provides detailed guidance that is (a) specific to a correctional facility, community work center (CWC), or probation and parole district office, and (b) only used to implement an SOP. • Post Order – provides detailed guidance that is specific to a post or area of assignment within the correctional facility, community work center (CWC), or probation and parole district office.
	<p>Policy-related Forms and Manuals</p>	<ul style="list-style-type: none"> • Forms – used to record and collect information required by the written guidance. • Manuals – typically provides more detailed information or instruction than what is provided in the SOP (e.g., detailed data entry or detailed offender management strategies).

2. Management and Quality Control

Management Control

Management control involves the managing of Idaho Board of Correction IDAPA rules through a standardized process. A standardized management control process is critical in developing consistency and continuity throughout the IDOC – from Central Office to the field. A standardized management control process allows the IDOC to identify the following:

- Who is authorized to develop or revise an IDAPA rule;
- Who is responsible for reviewing and approving an IDAPA rule;
- Who is responsible for distributing an IDAPA rule;
- Who is responsible for implementing an IDAPA rule;

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- Who may repeal an IDAPA rule; and
- Retention requirements.

For the purpose of this SOP, a **controlled IDAPA rule** is:

- One that is adopted by the Idaho Board of Correction and filed in a lockable filing cabinet located in the IDOC policy coordinator's office (located at Central Office); **or**
- Published on the state of Idaho Department of Administration's Internet website.

Note: Any IDOC employee or contract staff member who elects to download **or** print and maintain a hard copy of IDAPA [06.01.01](#), *Rules of the Board of Correction*, shall be responsible for ensuring that he is always using the most current published IDAPA [06.01.001](#) (see [section 7](#)).

Quality Control

Quality control involves the process of ensuring that Idaho Board of Correction IDAPA rules are well-written and standardized in appearance, which includes, but is not limited to style and formatting. The IDOC policy coordinator shall be responsible for quality control functions for IDAPA rules. (See the state of Idaho Department of Administration's *The Idaho Rule Writer's Manual*.)

3. How to Initiate Rulemaking

Any IDOC employee or contract staff member may submit a written request (to include an email request) to develop, revise, or repeal a specific Idaho Board of Correction IDAPA rule. The written request must include:

- A nontechnical explanation of the substance and/or purpose for the development, revision, or repeal of the IDAPA rule; and
- A reference to the specific IDOC policy, SOP, directive, or state of Idaho or federal law that is the reason for the request.

The written request may be submitted to either of the following:

- IDOC policy coordinator; or
- Division chief **or** deputy chief (as applicable).

Note: Even though any IDOC employee or contract staff member may submit a written request for the development of a new IDAPA rule, the IDAPA rule will most likely be requested by the director of the IDOC, division chief or deputy chief (as applicable), IDOC policy coordinator, or SOPRC.

The IDOC policy coordinator **and** division chief or deputy chief (as applicable) will discuss the written request and make a decision to disapprove **or** preliminarily approve the request. Based on the decision, the following action will be taken:

- **Disapprove the Request** – The division chief or deputy chief (as applicable) will reply to the requestor (Cc the IDOC policy coordinator), **and** clearly state the reason for not approving the request. The process will then end here.

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- **Preliminarily Approve the Request** – The division chief or deputy chief (as applicable) will reply to the requestor (Cc the IDOC policy coordinator), and clearly state that approval is contingent upon whether the Idaho Board of Correction adopts the new or revised rule or agrees to repeal the rule. The process will then continue as described in [section 4](#).

Note: When it has been agreed to preliminarily approve the request, the IDOC policy coordinator **and** division chief or deputy chief (as applicable) shall also determine whether an IDOC policy or SOP needs to be developed or revised to support the proposed IDAPA rule.

4. Preparing the Rulemaking

Table 4-1: To Develop or Revise a Specific Idaho Board of Correction IDAPA Rule

The following process steps will be used to prepare the IDAPA rule for review and formal approval. The author of the proposed IDAPA rule will be the IDOC policy coordinator **or** an IDOC employee designated by the division chief or deputy chief (as applicable).

Functional Roles and Responsibilities	Step	Tasks
Author	1	<p>Using a copy of the written request described in section 3 of this SOP:</p> <ul style="list-style-type: none"> • Complete a draft IDAPA rule, and • Ensure that the text that is being omitted is struckout and the new text is underlined (strike and underscore). <p>Note: If needed, the division chief or deputy chief (as applicable) will need to designate subject matter experts to provide their expertise to the writing process.</p> <p>Note: All rule-writing guidance shall be followed. (See the state of Idaho Department of Administration’s <i>The Idaho Rule Writer’s Manual</i>.)</p>
Author	2	<ul style="list-style-type: none"> • Edit the draft IDAPA rule for correct spelling, grammar, punctuation, and standardized terms and definitions. • If you are not the IDOC policy coordinator, email the draft IDAPA rule to the IDOC policy coordinator. <p>Note: Standardized terms and definitions can be found in the policy toolkit located on the IDOC’s Intranet website. Any deviations from the standardized terms and definitions must be approved by the IDOC policy coordinator.</p>

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Functional Roles and Responsibilities	Step	Tasks
IDOC Policy Coordinator	3	<ul style="list-style-type: none"> Save the draft IDAPA rule. If applicable, ensure that any definitions used in the draft IDAPA rule is from the approved, standardized terms and definitions list (see the policy toolkit located on the IDOC's Intranet website). <p>Note: If a non-approved term or definition was used in the draft IDAPA rule, check with the author (if applicable) to see if it was an oversight or if it was intentional, and correct as needed. If it was intentional, check for conflicts with other guidance (described in section 1 of this SOP) and be prepared to discuss the conflicts with SOPRC.</p>
IDOC Policy Coordinator	4	<ul style="list-style-type: none"> Ensure that the text that is being omitted is struckout and the new text is underlined (strike and underscore). If the IDAPA rule is being revised, compare the draft IDAPA rule against the active rule (i.e., the rule published on the state of Idaho Department of Administration's Internet website) to ensure that previous text is not incorrectly omitted or added. Edit the draft IDAPA rule for spelling, grammar, and punctuation errors. Check to see if the draft IDAPA rule section headings are reflective of the section's content, and correct as needed. Check the draft IDAPA rule for flow, and correct as needed. Check the draft IDAPA rule for use of standardized styles and formatting, and correct as needed. (See the state of Idaho Department of Administration's <i>The Idaho Rule Writer's Manual</i>.)
IDOC Policy Coordinator	5	<ul style="list-style-type: none"> Save the draft IDAPA rule as a final IDAPA rule. Convert the final IDAPA rule to portable document format (PDF) and save. Download a <i>Proposed/Temporary Administrative Rules Form (PARF)</i> from the state of Idaho Department of Administration's Internet website. Prepare and save the PARF. (The process continues at section 5 of this SOP.)

Table 4-2: To Repeal a Specific Idaho Board of Correction IDAPA Rule

The following process steps will be used to prepare the IDAPA rule for repeal and formal approval.

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Functional Roles and Responsibilities	Step	Tasks
IDOC Policy Coordinator	1	Using a copy of the written request described in section 3 of this SOP: <ul style="list-style-type: none"> Complete a draft IDAPA rule, and Ensure that the text that is being omitted is struckout (strike).
		Note: All rule-writing guidance shall be followed. (See the state of Idaho Department of Administration's <i>The Idaho Rule Writer's Manual</i> .)
IDOC Policy Coordinator	2	<ul style="list-style-type: none"> Save the draft IDAPA rule as a final IDAPA rule. Convert the final IDAPA rule to portable document format (PDF) and save. Download a <i>Proposed/Temporary Administrative Rules Form (PARF)</i> from the state of Idaho Department of Administration's Internet website. Prepare and save the PARF. (The process continues at section 5 of this SOP.)

5. Formal Approval of the Final Idaho Board of Correction IDAPA Rule

The following process steps will be used to formally approve the proposed new, revised, or repealed IDAPA rule. The director of the IDOC shall be the final approval authority.

Functional Roles and Responsibilities	Step	Tasks
IDOC Policy Coordinator	1	New or Revised Final IDAPA Rule – Schedule the final IDAPA rule for SOPRC review, and email the following documents to SOPRC a minimum of five (5) business days prior to the meeting: <ul style="list-style-type: none"> The PDF version of the IDAPA rule; A copy of the written request described in section 3 of this SOP; and <i>Proposed/Temporary Administrative Rules Form (PARF)</i>. (The process continues with step 2.)
		Repealed IDAPA Rule – Skip to step 5.
		Note: When scheduling the final IDAPA rule for SOPRC review, notify the author of the meeting date and coordinate his attendance.

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Functional Roles and Responsibilities	Step	Tasks
SOPRC	2	<p>Review the final IDAPA rule and ensure that:</p> <ul style="list-style-type: none"> The IDAPA rule is consistent with IDOC, state of Idaho, and federal government guidance and requirements; There is no cross-functional impact (a responsibility of all divisions and/or bureaus); and The IDAPA rule is clear and understandable.
		<p>Note: SOPRC will recommend the IDAPA rule for approval or additional work. SOPRC may approve the IDAPA rule with the agreement that the IDOC policy coordinator will make any changes agreed to during the meeting. If additional work is requested, SOPRC must ensure that the author understands what additional work is needed. If there are issues between SOPRC members that cannot be resolved, the IDOC policy coordinator will first work with the disagreeing members to try to find a resolution before seeking IDOC Legislative Team instruction.</p>
IDOC Policy Coordinator	3	<p>Additional Work Needed</p> <ul style="list-style-type: none"> Return a Word version working copy of the IDAPA rule to the author. (The process returns to section 4 of this SOP.) <p>Document Approved</p> <ul style="list-style-type: none"> Prepare and complete a sign-off sheet for recording approval signatures, and sign the sign-off sheet indicating SOPRC's approval. Hand-deliver the sign-off sheet, a PDF copy of the final IDAPA rule, a copy of the written request, and the PARF to the DAGs for a legal review.
Deputy Attorneys General (DAG)	4	<ul style="list-style-type: none"> Review the final IDAPA rule for legal risks or liabilities. Sign the sign-off sheet. (The signature only indicates that the legal review was accomplished.) Hand-deliver the sign-off sheet, a PDF copy of the final IDAPA rule, a copy of the written request, and the PARF to the IDOC policy coordinator.
		<p>Note: If risk or liability issues exist, discuss them with the IDOC policy coordinator, and the IDOC policy coordinator will schedule a meeting with the Legislative Team. The policy coordinator will inform the reviewing DAG of the meeting date.</p>

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Functional Roles and Responsibilities	Step	Tasks
IDOC Policy Coordinator	5	Hand-deliver the sign-off sheet, a PDF copy of the final IDAPA rule, a copy of the written request, and the PARF to the director of the IDOC.
		Note: The director of the IDOC is a member of the IDOC Legislative Team, so if the reviewing DAG identified potential risk or liability issues, schedule a meeting with the Legislative Team. Invite the reviewing DAG to attend the meeting.
Director of the IDOC	6	<ul style="list-style-type: none"> • If approving the final IDAPA rule – sign the sign-off sheet; and return the PDF copy of the final IDAPA rule, a copy of the written request, and the PARF to the IDOC policy coordinator. • If not approving the final IDAPA rule – do not sign the sign-off sheet. Return the PDF copy of the final IDAPA rule, a copy of the written request, and the PARF to the IDOC policy coordinator; and discuss any issues, concerns, errors, etc. (You may decide to discontinue and end the process at this step.)
IDOC Policy Coordinator	7	<p>Document Not Approved</p> <ul style="list-style-type: none"> • Depending on the director of the IDOC’s decision on whether to continue to move the document forward, determine the appropriate step needed to address the issue, concern, error, etc. (The director of the IDOC may have decided in step 6 to discontinue and end the process.) <p>Document Approved</p> <ul style="list-style-type: none"> • Submit the PARF to the state of Idaho Division of Financial Management. (The process continues at section 6 of this SOP.)

6. Rule Promulgation

After the IDOC policy coordinator submits the PARF (see [section 5](#)) to the state of Idaho Division of Financial Management (DFM), DFM will either approve or deny the rulemaking and return a signed copy of the PARF to the IDOC policy coordinator.

- If DFM denied the rulemaking, the IDOC policy coordinator will consult with the director of the IDOC (or Legislative Team) for further instruction. (A denial may result in all rulemaking documents being redone and resubmitted.)
- If DFM approved the rulemaking, the IDOC policy coordinator will download a *Notice of Rulemaking – Temporary and Proposed Rule* from the state of Idaho Department of Administration’s Internet website and alter it to meet the statutory exemptions described in the below subsection.

Note: Because of the statutory exemptions described in the below subsection, the *Notice of Rulemaking – Temporary and Proposed Rule* must be altered to reflect the

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title 'Notice of Proclamation of Rulemaking'. After the title change, the following two (2) paragraphs must be removed: 'temporary rule justification' and 'incorporation by reference'. After altering the form, the IDOC policy coordinator must complete all remaining paragraphs.

When the *Notice of Proclamation of Rulemaking* has been completed, the IDOC policy coordinator shall download a *Rulemaking Checklist* from the state of Idaho Department of Administration's Internet website and complete all sections, ensuring it is consistent with the completed *Notice of Proclamation of Proclamation of Rulemaking*.

The IDOC policy coordinator will email the state of Idaho's administrative rules coordinator to obtain a working copy of IDAPA 06.06.01, *Rules of the Board of Correction*. The IDOC policy coordinator shall then update the working copy of IDAPA 06.06.001 with information from the approved final IDAPA rule (see [section 5](#)). The text of the working copy must be in legislative format (e.g., text that is being omitted must be struckout and new text must be underlined). The working copy must also be prepared in accordance with the state of Idaho Department of Administration's *The Idaho Rule Writer's Manual*.

When the working copy of IDAPA 06.06.01, *Rules of the Board of Correction*, is updated, the IDOC policy coordinator shall email **and** mail (or hand-deliver) copies of the following documents to the state of Idaho's administrative rules coordinator:

- *Rulemaking Checklist Form*;
- *Notice of Proclamation of Rulemaking*;
- Updated working copy of IDAPA 06.06.01; and the
- DFM approved and signed copy of the PARF.

Note: All of the above documents must be submitted to the administrative rules coordinator by the deadlines established in *The Idaho Rule Writer's Manual*.

After processing the above bullet listed documents, the state of Idaho's administrative rules coordinator will return a copy of IDAPA 06.06.001, *Rules of the Board of Correction*, to the IDOC policy coordinator for review and approval to publish the updated IDAPA 06.06.001 in the *Idaho Administrative Bulletin*.

Prior to the newly updated IDAPA 06.06.01, *Rules of the Board of Correction*, being published in the *Idaho Administrative Bulletin*, the IDOC policy coordinator shall:

- Print **and** file a hardcopy of the active IDAPA [06.06.01](#) (i.e., the IDAPA rules published on the state of Idaho Department of Administration's Internet website).
- Remove all working and draft copies of all documents referenced in this section from the electronic file system.

Note: Pursuant to the state of Idaho's *Records Management Guide*, appendix 9, administrative records, section SG0030, "policies and procedures that govern the operation and administration of various programs within the organization" shall be permanently maintained.

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Statutory Exemptions for Idaho Board of Correction IDAPA Rulemaking

Pursuant to Idaho Code 20-212, the Idaho Board of Correction is exempt from holding the following:

- Negotiated rulemaking meetings; and
- Public hearings.

Also pursuant to Idaho Code 20-212, the Idaho Board of Correction's IDAPA rules go into full effect 30 days after being published in the *Idaho Administrative Bulletin*.

7. Distribution and Access to Idaho Board of Correction IDAPA Rules

On the 'effective date' provided on the *Notice of Proclamation of Rulemaking* (or if the 'effective date' falls on a weekend, the first working day after the 'effective date'), the IDOC policy coordinator shall send a broadcast email to all IDOC employees and select contract staff to inform them that the newly updated IDAPA [06.01.01](#), *Rules of the Board of Correction*, has published **and** is in effect.

Because IDAPA [06.01.01](#), *Rules of the Board of Correction*, is maintained and managed by the state of Idaho Department of Administration, the rules may be accessed via the:

- Department of Administration's Internet website;
- IDOC's Internet website; or
- IDOC's Intranet website.

Note: It shall be the responsibility of IDOC employees and contract staff to ensure they are always using the most current published IDAPA [06.01.001](#), *Rules of the Board of Correction*.

REFERENCES

Idaho Code, Title 20, Chapter 2, Section 20-212, *Rules – Authority of the Board*

IDAPA [06.01.01](#), *Rules of the Board of Correction*

Standard Operating Procedure [103.00.01.002](#), *Policy: Development, Revision, and Management*

Standard Operating Procedure [103.00.01.003](#), *Standard Operating Procedure (SOP) and Directive: Development, Revision, and Management*

State of Idaho, Department of Administration (www.adm.idaho.gov)

State of Idaho, Department of Administration, *Idaho Administrative Bulletin*

State of Idaho, Department of Administration, *Records Management Guide*

State of Idaho, Department of Administration, *The Idaho Rule Writer's Manual*

State of Idaho, Division of Financial Management (www.dfm.idaho.gov)