

# Board Member Orientation & Training Manual

A publication of the  
Idaho Bureau of Occupational Licenses  
State of Idaho

Revised January, 2009

Portions of this manual were taken or adapted from the *Board Member Training Manual* published by the National Clearinghouse on Licensure, Enforcement, and Regulation and the Council of State Governments. Copyright 1987 by the Council of State Governments, Iron Works Pike, P.O. Box 11910, Lexington, Kentucky 40578.

Greetings from the Bureau of Occupational Licenses!

The Idaho Bureau of Occupational Licenses is organized to assist you and your fellow board members with all of your responsibilities. To that end, we have prepared this manual to give you more information about the statutes, rules, and procedures that will affect your work.

The Idaho Legislature has determined that persons practicing in your profession should be regulated as a way of protecting the health, safety, and welfare of Idaho's public. You are an important part of that process. You and your board colleagues have been appointed by the Governor to represent both your profession and the public as you enforce the laws and rules that govern the practice of your profession in Idaho.

Board members have many responsibilities: setting qualifications for registration or licensure of applicants; determining what sanctions are appropriate for violations of state laws or board rules; collecting fees; and at various times acting as judge, prosecutor, examiner, rule-maker, and even diplomat.

The Idaho Bureau of Occupational Licenses is here to serve you – and through you, Idaho's citizens – by performing the many services necessary for your board's efficient and effective operations. We are here to carry out each board's instructions with respect to registration, licensing, and examination procedures. Put most simply, the Bureau is here to support you during your service.

If we can answer any questions or help in some other way, please don't hesitate to call. We look forward to working with you.

---

Tana Cory, Bureau Chief

Idaho Bureau of Occupational Licensing

## Table of Contents

Introduction

Section 1 History and Purpose of Professional Licensing

Section 2 Organization of the Idaho Bureau of Occupational Licensing

Section 3 Bureau Services

Section 4 FAQs

Section 5 Liabilities of Board Members

Section 6 Meeting Minutes and Parliamentary Procedure

Section 7 Examinations

Section 8 Overview of Laws and Rules

Section 9 Board Member Expense Reimbursement

Section 10 Complaint Policy, Disciplinary Procedures, and the Administrative  
Hearing Process

Section 11 Legislative Process

Appendix A Parliamentary Procedure Booklet

Appendix B Laws and Rules of the Idaho Bureau of Occupational Licensing

## **Section 1: History and Purpose of Professional Licensing**

Occupational licensure has a long history, traced back to the 10<sup>th</sup> century workers' guilds in England. Virginia's Medical Practice Act of 1639 was the first modern effort to regulate occupations and professions. In the late 1800s, state licensure activity began in earnest, and by 1900 a majority of states had licensed attorneys, dentists, pharmacists, physicians, and teachers. Between 1900 and 1960, most states also licensed an additional 20 occupations and professions, including accountants, nurses, real estate brokers, barbers, hairdressers, chiropractors, and funeral directors. Today, more than 800 occupations and professions are licensed or registered by one or more states.

Occupational licensing is an exercise of the state's responsibility to protect the health, safety, and welfare of its citizens. Generally accepted criteria for granting licensure include recognition that unqualified practice poses serious risk to consumers' life, health, safety or economic well-being; acknowledgement that such risks are likely to occur; concern that the public cannot accurately judge a practitioner's qualifications; and a consensus that public benefits outweigh any potential harmful effects (such as a decrease in the number of practitioners). Failure to meet these criteria suggests that some alternative form of regulation, such as registration or certification, may be appropriate.

Proponents of licensure say it raises standards of practice, ensures quality service, and establishes accepted codes of ethical behavior. Over the last two decades there has also been increased focus on continuing education to improve professional competence and on enforcing licensure laws against fraudulent, incompetent, and unethical behavior.

In 1974, with voter approval, Idaho reorganized state government. The Bureau of Occupational Licenses was created within the Department of Self-Governing Agencies. Currently the Idaho Bureau of Occupational Licensing provides services to 28 state regulatory entities. How IBOL is organized and how the boards within the bureau operate are covered in the following chapters of this manual.

## **Section 2: Organization of the Idaho Bureau of Occupational Licenses**

Title 54 of the Idaho Code (“Professions, Vocations, and Businesses”) creates individual boards for various professions. A different part of the Idaho Code, Title 67 (“State Government and State Affairs”), Chapter 26, creates the Idaho Bureau of Occupational Licenses (IBOL) within the Department of Self-Governing Agencies. Through written agreements, IBOL provides “administrative or other services as provided by law” to a variety of boards named in the statute and to “such other professional and occupational licensing boards or commodity commissions as may request such services.”

The boards basically have three powers and duties:

1. To develop minimum competency standards and to examine and license applicants.
2. To promulgate rules that are not inconsistent with law and that are necessary to implement and enforce the licensing statute.
3. To suspend or revoke licensure or to impose such other sanctions as may be appropriate for violation of the profession’s statutes.

State law also establishes the position of Chief of the Bureau of Occupational Licenses, who is appointed by and serves at the pleasure of the Governor. The Bureau Chief is charged with administration of the Bureau and is authorized to hire necessary personnel to carry out the Bureau’s duties. The Bureau has an administrative support manager and an operations support manager who share responsibility for supervising overall operations of the Bureau’s office. Please see the organization chart on page 3 for more information on the Bureau’s structure.

Each board is assigned a technical records specialist (TRS) to carry out the day-to-day duties necessary for the board’s operation. The TRS is responsible for the board’s filing system, including application and examination records; its correspondence; and its meeting arrangements and minutes. The TRS also provides licensure or registration

information to applicants, to licensees and registrants, and to the public as necessary. The TRS is a valuable resource who has the knowledge, expertise, and experience to deal with each board's issues and concerns.

The IBOL's front office staff greets the public, monitors the phone and e-mail system and helps with record keeping, filing, renewal services, and other duties as necessary.

IBOL's investigate unit includes 11 field-based investigators, some of whom also do inspections. Two are based in North Idaho (Area I), four in Southwest Idaho (Area II), one in Southcentral Idaho (Area III), and three in Eastern Idaho (Area IV). Investigative services are provided to all of the boards currently under contract with IBOL. In addition, the investigators provide inspection services for the Barber, Cosmetology, Denturistry, Liquefied Petroleum Gas Dealers, and Mortician boards.

IBOL's accounting unit consists of a financial specialist and a financial support technician. Licensing/registration and testing fees from the individual boards are the Bureau's major source of funding. Collecting the fees does not ensure that the funds are available for spending. Through the annual appropriations process, the Legislature must authorize the expenditure of funds for all state agencies. The resulting appropriation is what gives the Bureau its spending authority.

Although the Bureau has a single approved budget for its operations, an internal accounting system helps ensure that each board maintains its "self-supporting" status. This "pool" of boards using one fund allows each board to continue to function through periods of poor revenue or other adverse conditions until such time as fees are adjusted to return that board to self-supporting status.

## **Section 3: Bureau Services**

### **Applications**

IBOL is the initial point of contact for applicants for registration or licensure in Idaho. The Bureau handles inquiries; disseminates appropriate information and forms; receives completed forms and required fees; and reviews the required education, experience, or examination credentials. Bureau personnel answer routine questions on original licensing and registration and on renewal of licenses or registrations.

### **Credential Verification**

In addition to receiving applications and evidence of qualification, the Bureau may verify that credentials submitted by the applicant meet the requirements established by a board. This may involve corresponding with other states or with national professional organizations.

### **Examinations**

Bureau staff may assist in the examination process by scheduling and monitoring tests and maintaining security. This may include arranging for an examination site; preparing and sending out announcements of examination dates, times, and locations; communicating with national organizations that prepare, provide, and correct examinations; and receiving and securing examination booklets.

### **Advertising**

The Bureau prepares and publishes any required advertising of announcements and public notices of special meetings, hearings, or other board functions.

### **Issuing Registrations, Licenses, Certificates, and Renewals**

A license or registration is issued after an applicant meets all of the requirements set by the board and after the board authorizes the issuance.

All individual licenses or registrations expire prior to the individual's birth date. All business entity or establishment licenses and registrations expire on the anniversary

date of the original issuance. The Bureau has established an automated procedure for renewals. Once renewal applications are received, the Bureau processes submitted fees, verifies continuing education information if necessary, notes any restrictions or board sanctions, and issues a new license or registration.

### **Accounting and Budgeting**

Each year the Legislature establishes a budget for IBOL through the appropriations process. The appropriation is the Legislature's "permission" for the Bureau to spend funds.

Internally, the appropriation is broken down to reflect each board's piece of the budget. Throughout the year, IBOL accounting personnel track receipts and disbursements related to each board and to the Bureau as a whole. At each board meeting, members will receive an accounting of year-to-date expenditures. Staff are also available to explain the budget, answer questions, and offer advice as to how to correct trends before financial problems develop.

### **Meeting Services**

The Bureau will make meeting arrangements, which include providing appropriate public notice and notifying board members when and where the meeting will be held (or the phone number to call for teleconference meetings). Most meetings are held in Boise, although on occasion boards hold meetings in other parts of the state. Since out-of-Boise meetings often require additional expenditures, it is recommended that the board members meet with the Bureau Chief well in advance to review the board's financial situation.

### **Legal Services**

Each board requires legal services for two purposes: general administrative counsel and prosecutorial.

General Administrative Counsel addresses the on-going need for review of each board's policies, procedures, and practices, and responds to boards' requests for advice

regarding the licensing or registration process, matters of discipline, and interpretation of regulatory laws and rules.

The prosecutorial function involves serving as the state's advocate in hearings and other disciplinary matters. The prosecutor presents the state's case against the licensee or registrant, allowing the board to make an informed decision.

A board may disagree with its attorney and may take different action than recommended if such seems necessary as long as the potential liability for the action is understood.

The general counsel and prosecutorial functions are as follows:

General Administrative counsel:

The administrative attorney is available to the board during meetings, although it is seldom necessary for the attorney to be present for the entire meeting. Boards are encouraged to arrange meeting agendas so that items requiring the attorney's presence are clustered together. The attorney may then return to other duties, but will remain available in case the board needs additional advice or counsel. The administrative attorney may remain for the entirety of any hearings conducted by the board. In addition, the attorney may, at the board's discretion, be included in a board executive session.

The Prosecuting Attorney

A complaint is initially received and investigated by IBOL on behalf of the appropriate board. Subsequently, the prosecuting attorney will review results of the investigation and make recommendations concerning resolution. If necessary, the deputy attorney general will prosecute the case.

It is important to remember, however, that the prosecutor is not the board's attorney. When questions arise concerning complaints and disciplinary matters that require legal advice, board members should consult their regular administrative attorney.

## **Investigative Unit**

From time to time, a board may need special assistance from IBOL's investigative staff. Board members are encouraged to talk to the Bureau Chief regarding any potential investigation.

## **Section 4: FAQs Regarding a Board Member's Role**

### **Q. What are my responsibilities as a board member?**

A. Board members have responsibilities to the general public, to potential licensees or registrants, and to other board members.

The public expects that licensees or registrants will be qualified to perform properly and safely. They expect a fair way to settle disputes that may arise between the practitioner and the customer. They have a right to know what's going on within the board.

Someone who wishes to earn his or her living in an occupation should not be unreasonably denied that opportunity. That person should have easy access to all information about entering the profession, about expectations, about testing, and about how, if necessary, to transfer a license or registration to or from another state.

Each board member has a responsibility to listen to other members and to consider those views and contributions. Each member is responsible for helping to determine good policy and useful procedures, to contribute to a fair resolution of problems, and to ensure that board operations are effective and efficient.

### **Q. What is "the public interest?"**

A. All board members have as their primary goal the public's interest. This means looking at issues from the consumer's point of view, rather than that of the profession.

Board members should consider what impact their decisions will have on the consumers of the service, rather than the professionals offering the service.

**Q. What are the requirements for service on a board?**

A. An effective board member will exhibit:

- A demonstrated interest in public service.
- Common sense and a willingness to ask questions. Do the policies, procedures, and decisions of the board seem sensible? If not, say so, and ask for clarification. Each board member is responsible for the final decisions and actions of the board.
- A commitment to attendance, which is essential to keeping informed about what is going on and to providing direction and support. Board business cannot be conducted without a quorum or majority of board members.
- Assertiveness. Each member should respect his or her own rights and needs as well as those of other board members.
- A willingness to become informed about the board's structure, resources, legal obligations, relationships with other agencies, and any restrictions imposed on the board.

**Q. How can a board member effectively participate in board work?**

A. Effective board members have these characteristics in common:

- They are able to work with a group to make decisions.
- They understand and follow democratic processes.
- They are willing to devote time and effort to the work of the board.
- They work to find alternative solutions to problems whenever necessary.
- They have good communication and listening skills.
- They recognize that the mission of the board is to serve and protect the public.
- They are aware that authority is granted by law to the board as a whole, rather than to any member individually, and that such authority can be exercised only in open meetings or in executive sessions called by a vote of the majority of board members.

- They avoid becoming involved in the daily functions of the staff.
- They delay making judgments until adequate evidence has been presented and has been fully discussed.
- They don't let personal feelings toward others affect their decisions.

**Q. What are the board member's responsibilities when serving as a representative of the board?**

A. There is a distinction between a board member as a private individual and a board member as representative of the board. For example:

- All inquiries regarding matters within the board's jurisdiction should be directed to the Bureau so that the issues involved can be brought to the attention of the full board at a regular or special meeting.
- A board member should not release details about board activity or decisions unless and until those activities and decisions become part of the official public record. Discussions during a board's executive sessions are not a part of the public record. Any disclosure of information that is not a part of the public record should be made only after consultation with legal counsel.
- Board members are prohibited from conducting private meetings about board business or about areas under the board's purview outside of full board meetings. Board members should never discuss an applicant, a licensee or registrant, a complaint, or a disciplinary action, except at a board meeting or in the presence of legal counsel.
- Board members should remember that they are seen as representatives of the board when they appear at industry or professional gatherings. They must not speak for, or appear to speak for, the full board unless specifically authorized to do so.

**Q. How does a board know it is meeting its public responsibilities and responding to the public interest?**

A. The following checklist may help assess whether a board is protecting, promoting, and responding to the public interest and whether it is doing so in the most efficient way.

Any questions about any of the following indicators should be discussed with the IBOL Bureau Chief, the TRS, or in a meeting with fellow board members.

## **A BOARD'S SELF-ASSESSMENT CHECKLIST**

1. Is there a need for regulation?
  - When and why did regulation of the profession begin?
  - Does the need still exist?
  - Are the rules and regulations promulgated by the board consistent with the statutes that grant the board rule-making authority?
  - Are implementation guidelines, procedures, etc. consistent with the rules and regulations?
2. Does the board promote and protect the public interest?
  - Are there contacts with consumer groups?
  - Are there mechanisms to provide consumer input into decision-making?
  - Are due process protections provided to applicants, licensees/registrants, and the public?
  - Is the board making itself known to, and open to, the public? Do any non-board members attend meetings? Who are they?
  - How are board meetings, activities, and decisions publicized?
  - Are there minutes of all meetings? How are they circulated or made available outside the board? When are they circulated?
3. Is the board involved in consumer education?
  - Are consumers informed of their rights?
  - Are consumers informed of where they can go for help when they believe their rights have been violated?
4. Does the board provide protection against deceptive practices, negligence, and incompetence?
  - Are consumers informed of the types of unlawful or unethical practices that can occur?
  - Are records of complaints kept to indicate patterns of abuse?
  - What actions does the board take to discipline licensees or registrants, e.g., revoking licenses/registrations?
5. Does the board engage in practices that limit competition?
  - Does the licensure or registration process inappropriately restrict entry into the profession?
  - Is there an advertising ban that may prohibit licensees or registrants from competing?
  - Are minimum or suggested fee schedules established?
  - Are there any unnecessary or unjustified restrictions?
6. How effective are the program functions of the board?
  - Are these functions desirable or necessary (testing, complaint handling, holding hearings, rulemaking)?
  - Is the board working to maintain high standards within the profession?
  - Is the board able to show what it has done about complaints received

from the public?

7. Is the board operating efficiently?

- Is the interaction and sharing of responsibilities between the board and other appropriate agencies optimally divided and carried out?
- Are activities of the board itself being run in the most efficient manner?
- Do meetings start on time?
- Do members consistently get to meetings on time?
- Do members regularly attend, and do they notify the chairperson when they are not coming or will be late?
- What is an operating quorum?
- Is much time spent in routine administrative items that should be taken care of by staff?
- Is correspondence summarized or read word for word?
- Are responses to applicant letters (including the standard reply explaining the procedure) helpful, relevant, and written in simple language that really gives the needed information and guidance?
- Do people leave before the meeting is over?
- Do meetings run too long? Could there be time limits set for items?
- Is the board meeting at a time most convenient for the members?
- Could the meeting time be changed?
- Does the board need to meet more often? Less often?

## **Section 5: Liabilities of Board Members**

State laws and duly-adopted rules of a board are the best guides to board members' responsibilities and potential liabilities.

The interpretation of sovereign immunity, the shield that has traditionally saved public officials from personal liability, is rapidly changing. Increasingly, courts are holding public officials liable for failing to satisfy the requirements of due process, equal protection, and civil rights. For that reason, a member of a public board should be extremely careful to limit his or her liability by making sure every action taken and every decision made complies with relevant laws or rules.

The best advice is to avoid acting individually. A board member is part of a public body. There are certain protections for board members acting in that capacity,

including representation by legal counsel. When a member acts alone, or without the full board's knowledge or sanction, he or she risks forfeiting that protection.

A board member who conducts any board business outside of a regular board meeting – that is, a regularly-scheduled or special meeting for which public notice is given and which is accessible to the public – should do so only with full authority of the full board as duly noted in the board's minutes.

Board members who attend meetings on behalf of the full board should be cautious about what they say in public forums. Difficult issues or questions, or requests for board action, should be brought back to the full board rather than handled on the spot.

The greatest liability for error is that the courts will not respect a board's actions and decisions. Regulation and discipline are meaningless if everyone's hard work is reversed on appeal.

One way to protect actions and decisions is to be sensitive to charges of bias or prejudice. Board members should be vigilant to remain as impartial as possible toward applicants, complainants, and respondents. The best policy is to step aside or ask for recusal in any case involving a family member or friend or a present or former business associate. Board members should be particularly careful about talking to parties before their cases can be heard and decided by the full board.

Most of all, board members should become familiar with all of the laws and rules applicable to their work and not stray from the direction of that authority. The state has provided guidance in a variety of ways, including the Idaho Public Records Law , the Open Meeting Law and its various interpretations; Idaho Code 6-904B, which lists limits to the state's liability (next page); and other statutes.

Rather than take any unnecessary risk, a board member should always seek legal advice from the board's attorney.

## **Section 6: Meeting Minutes and Parliamentary Procedure**

### Meeting minutes

Idaho's Open Meeting Law requires that all boards keep written records of their meetings. The minutes must be available to the public within a "reasonable" time.

Minutes are the official record of a board's action. Not only are they used for reference, minutes can also be subpoenaed as evidence of a board's intentions and actions. They may be reviewed by legislative committees as part of a discussion of board-adopted rules. Over time, minutes form the historical background of a board's decisions. Thus it is critical that each set of minutes is factually accurate and adequately records the actions taken and decisions made by the board.

Full transcripts or recordings of meetings are not required, but each set of minutes should include the date, time and place of the meeting. State law requires that minutes include all members of the governing body present; all motions, resolutions, orders, or ordinances proposed and their disposition; and the results of all votes. (Generally, motions are either "carried" or "failed" without a listing of individual votes. However, upon the request of a member, the vote of each member by name will be recorded.)

When a board meets in executive session, minutes must include a reference to the specific authorization in the Open Meeting Law for holding the session; a record of the vote of each member, by name, to move into or out of the session; and "sufficient detail to convey the general tenor of the meeting."

At each meeting, board members are asked to approve the minutes of the previous meeting or meetings. It is important to review the draft minutes carefully to ensure that the final version is factual and accurate. Generally, minutes are made available to board

members prior to each meeting to give them sufficient time to review the draft version before approving a final version.

The IBOL staff has a template for meeting minutes that is to be used by each TRS as he or she prepares minutes. Although the template is flexible enough to record each board's unique actions and decisions, it is intended to ensure that all required elements are included in the public record. It also provides a guideline as to how to record motions to enter executive sessions so that the board can follow the proper procedure.

### Parliamentary Procedure

Much of any board's work is inherently informal, but there are certain proprieties that should be followed in even the most relaxed settings. For example, speakers are recognized by the chair, one person speaks at a time, one matter at a time is considered, and so on.

Guidance for meeting management usually comes from *Robert's Rules of Order*. The rules are intended to bring order to meetings and to ensure that all participants are treated fairly. A simplified version of *Robert's Rules* is attached as Appendix A. In general however, the basic requirements for an orderly meeting are as follows:

- At the beginning of each meeting the chair should call the meeting to order.
- The chair should establish that a quorum is present since no board can take decisive action without a quorum. In most cases, a majority of the board members constitutes a quorum.
- The chair should ask for approval of the minutes of the last board meeting or meetings. The draft minutes as presented may be amended if necessary, and approved by a motion, second, and vote of the board. (Note: The meeting chair should never make or second a motion.)
- Generally, the meeting agenda is followed item by item. The chair may make last-minute adjustments in the order as needed or as suggested by members of the

board. Any additions to the agenda must be made by motion stating a good faith reason the item was not included on the original agenda. The chair may also ask members of the public who are present to suggest issues for discussion and, if the board does not object, assign those issues a place on the agenda. However, there is no requirement that non-members be allowed to participate in or be recognized at a board meeting. This is a decision for the chair to make. The chair may rule non-members in or out of order.

- The chair decides when to recess for breaks or meals. A recess or mealtime break may be included in the meeting agenda to allow for advance planning.
- Unfinished business should precede new business. The last item prior to adjournment is usually the scheduling of the next meeting.
- Following the conclusion of business, a motion to adjourn should be made, seconded, and voted on. The chair will declare the meeting adjourned.

## **Section 7: Examinations**

One of the last hurdles most applicants or candidates face is the successful completion of the examination requirement.

Board members have the ultimate responsibility for defending the examinations, whether those are purchased from a nationally-recognized testing service or created by the board itself. Board members must be able to convince candidates, and perhaps the courts, that the examination was an accurate measurement of the minimum competency required to ensure protection of the public's health, safety, and welfare.

An examination is not intended, nor should it be used, to restrict entry into a profession. Rather, passage of an examination assures the board and the public that the individual possesses the minimum competencies at the time of initial licensure or registration.

Idaho's Public Writings law (Idaho Code 9-340E(5)) specifically exempts from disclosure "test questions, scoring keys, and other data used to administer a licensing

examination, employment, academic or other examination or testing procedure before the examination if the examination is to be used again.” For that reason, proctors at examinations will monitor to ensure that no materials are taken from the test site and that no examination books are made accessible to the public.

## **Section 8: Overview of Laws and Rules**

New members of a board should study that board’s rules and the relevant state laws. A copy of this board’s rules are found in Appendix B and should be kept handy for reference during board meetings and when acting in an official capacity.

No one expects a board member to be a lawyer or to be familiar with the nuances of the rules and relevant state laws. Nonetheless, a full awareness of what those laws and rules say is an essential part of serving as a board member. A thorough understanding will help maintain the integrity of the board’s work and will help avoid reversals of board decisions by the courts.

The Bureau of Occupational Licenses has also adopted rules. Those are found in Appendix C.

### Board Rules

State laws (or statutes) applicable to every board are adopted by the Legislature and signed into law by the Governor. They are subservient only to the U.S. Constitution and federal laws and the Idaho Constitution.

Board rules are adopted by a board if the statutes pertaining to that board give it rule-making authority. All board and agency rules are subject to legislative review and approval.

Statutes and rules are intertwined. Laws are often not comprehensive enough to provide details of the licensing or registration procedure and practice. Regulatory boards have the authority to adopt rules that implement, or fill out, the intent of the law. It is an

important responsibility because once a rule is adopted, it has all the force and effect of law.

Rules are also subject to interpretations. Those include formal and informal Attorney General's opinions or letters of guidance, pertinent court decisions, and discussions and actions of legislative committees.

### Administrative Procedure Act

In Idaho, state agency and board rules are promulgated pursuant to the Administrative Procedure Act. The APA also regulates how state agencies and boards handle contested cases and disputes. The APA is a complex statute, but each board's TRS and attorney are familiar with its requirements and are able to guide each board through the process.

What follows is a brief description of the APA and the areas it covers:

- Administrative rulemaking: The APA outlines a process by which state entities can promulgate rules, permanent or temporary, that implement state statutes. The purpose of this process is to ensure that the public is fully informed and has a chance to comment on proposed rules, that rules are uniformly numbered and accessible to the public, and that legislators have an opportunity to review agency rules to ensure that they are meeting legislative intent. The APA also allows the public to suggest promulgation, amendment, or repeal of state agency rules.
- Contested cases: The APA establishes a process for a state entity to handle "contested cases" or disputes either informally or formally. The result is usually issuance of an order that enumerates the "legal rights, duties, privileges, immunities or other legal interests of one (1) or more specific persons." In some instances, the board itself may hear testimony and make a decision. In others, a hearing officer employed by the board will take testimony and make a recommendation to the board which, after reviewing all materials, will make its decision.

- Judicial review: The APA allows citizens to appeal to the courts for review of an agency's rules or orders.
- Legislative review: Germane legislative committees review both proposed rules prior to adoption and permanent rules once adopted. The Legislature may approve, amend, or disapprove a rule and may send it back to the agency or board for further action.
- Availability and publication: The APA ensures that citizens have access to rules through publication of an administrative bulletin and by requiring that copies of administrative rules be deposited throughout the state, including in specific public libraries.

### Administrative Rulemaking

Rulemaking procedures are designed to ensure fairness in agency proceedings. Each board's general counsel and its TRS are familiar with the rule-making requirements of the APA. What follows is a brief description of the process.

If a board has statutory authority to make rules, it is required to give notice of its rulemaking authority, publish a draft of its rules, allow the public to comment, and consider those comments before adopting a final rule. In limited situations, temporary rules can be adopted that become effective immediately.

A rule is usually a statement of "general applicability" that implements, interprets, or prescribes law or policy, or defines an organization's procedures and practice requirements. Agency or board rules establish requirements, set standards or fees, explain how a law will be implemented, and so on. The rules can be procedural (establishing rules of practice before the agency), substantive (adding details to state law as directed by the Legislature), or interpretative (interpreting legal standards or phrases).

The APA also allows the public to petition to have a rule issued or to propose a rule. Therefore, every board with rule-making authority should have a written procedure for developing rules.

### Regular procedure for adopting rules

The APA sets forth in great detail the requirements for adopting rules. In general, the process requires publication of a written notice of the intent to adopt or change a rule; an opportunity for the public to comment on the proposal; time for the rule-making body to consider those comments; and a final decision followed by filing final rules with the state's Administrative Rules Coordinator and by publishing the final rules in the Idaho Administrative Bulletin.

The Administrative Rules Coordinator provides all rules to the Senate and House at the beginning of a legislative session. Rules may be approved as submitted, or may be amended or repealed. Rules must be acted upon within the first forty-five days of the session.

### Emergency rulemaking

Under certain circumstances, a board may adopt rules that become effective immediately and are considered temporary. The proposed temporary rules must be submitted to the Office of the Governor for review, and are allowed only if the rule is necessary to protect the public health, safety, and welfare; ensure compliance with statutory deadlines; or confer a benefit.

Temporary rules, unless approved, amended, modified, or replaced by a final rule, expire at the conclusion of the next regular session of the Legislature.

### Board member considerations

Each board should work closely with its legal counsel and TRS to make certain it is in full compliance with the APA. Board members may be asked to appear before the relevant legislative committees to explain their rules and the reasons for adoption, amendment, or repeal. Information about legislative committee etiquette is found in Section 11.

## Open Meeting Law

Idaho's Open Meeting Law opens agency and board meetings to the public and to the press except under limited circumstances. Violation of the law, innocent or not, may result in fines and may invalidate the actions taken at the meeting. A brochure on the Open Meeting Law is available at no cost from the Office of the Attorney General (or on-line at <http://www2.state.id.us/ag/manuals/openmeeting.pdf>).

The key elements of the Open Meeting Law provide that:

- All meetings are open to the public;
- Appropriate public notice of the meeting is given;
- Written minutes are kept;
- No action or decision is made by secret ballot; and
- Only authorized executive sessions (closed to the public) are held.

“Regular” meetings are meetings that take place at a time that is fixed either in state law or in rule. Each board's TRS is responsible for making sure that appropriate notice is given.

“Special” meetings are those conducted at other times. Special meetings can be convened only after a special call, which must identify the business to be conducted during the special meeting. Special meetings may be held upon notice that is “appropriate to the circumstances.” In an emergency, no notice is required (valid emergencies involve such things as potential injury or damage to persons or property).

The Open Meeting Law does provide for meetings that are closed to the public. These are “executive sessions.” Executive sessions can take up an entire meeting or a portion of a regular or special meeting. If an entire meeting is to be an executive session only, notice still must be given to the general public, and must state the reason for the meeting and the specific provision of the law that authorizes the executive session. A

two-thirds vote, recorded in the minutes of the meeting by individual vote, is required to hold an executive session.

Boards must follow specific requirements when they hold executive sessions. Executive sessions are authorized for specific discussions such as making a hiring decision, discussing privileged records and considering the dismissal of an employee.

No final action can be taken, or final decision made, in an executive session. A board that is ready to make a decision must return to an open meeting to do so.

The Attorney General's Office has determined that provisions of the Open Meeting Law must be complied with whenever a quorum of members of the board meet to decide or deliberate on matters that are within the scope of the board's official business. Those meetings might be formal or informal, or even social, as long as a quorum of the board is present and there is intent to deliberate or make a decision. Thus, gatherings at which a majority of board members are present must be carefully monitored to avoid any appearance of impropriety.

Each board's TRS and legal counsel are knowledgeable about the requirements and interpretations of the Open Meeting Law. When in doubt, be sure to check with them before taking any action or making a decision.

#### Idaho Public Records Law

The Idaho Public Records Law, enacted in 1990, ensures that individuals have access to public documents while at the same time keeping certain information confidential to protect individual privacy. The Office of the Attorney General has published a brochure explaining the law, which is available upon request or on-line at <http://www2.state.id.us/ag/manuals/publicrecords.pdf>.

The premise of the law is that every person has the right to examine and make a copy of any public record of the state. It presumes that all public records in Idaho are

open at all reasonable times for inspection “except as otherwise expressly provided by statute.” In other words, if a record is not specifically protected, then it is open to the public. (Certain public records are exempted from disclosure by state or federal law or by federal regulation.)

For regulatory boards, exempt records include test questions, scoring keys, and other data used to administer examinations. Also exempted from disclosure are personal records that may be submitted to public agencies as part of the licensure or registration process (other than names and business addresses), such as parentage, race, religion, sex, height, weight, tax identification, and Social Security numbers.

Unless otherwise provided by agency rule, information obtained as part of an inquiry into someone’s fitness to be granted or retain a license or certificate is exempt from disclosure. This includes information such as application materials and supervision records. The law permits an individual to examine records pertaining to himself or herself. However, that does not include the right to review otherwise exempt investigative records if the investigation is ongoing or if the information is being compiled in reasonable anticipation of a civil action or proceeding that is not otherwise discoverable.

The IBOL Bureau Chief acts as custodian of all board records. These records include application and examination files, historical files, and each board’s minute books. Any requests for access to or production of public records should be referred to either the Bureau Chief or to the attorney assigned to the board. The law establishes specific timeframes and procedures for responses to public record requests.

## **Section 9: Board Member Expense Reimbursement**

The Bureau of Occupational Licenses is authorized by state law to reimburse board members traveling on board business. Many of the reimbursement levels are established by the State Board of Examiners, a statutorily-created body comprised of the

Governor, Controller, Secretary of State, and Attorney General; other elements of reimbursement are set by state law. State agency records are periodically audited to ensure compliance with state laws, regulations, and procedures, so it is important that reimbursement requests and payments are accurate.

Requests for reimbursement must be submitted on the reimbursement request forms and travel expense vouchers available from IBOL. If additional guidance is needed, please contact the IBOL office. (More detailed information on state travel and expense reimbursement policies is found on the website of the State Controller at <http://www.sco.idaho.gov/>.)

#### **A. Mileage**

Reimbursement is at the maximum rate per mile as set by the State Board of Examiners. If reimbursement for parking is requested, a receipt for parking charges **must be submitted** with a travel voucher.

#### **B. Airfare**

Airline tickets for board members traveling to board meetings or other authorized board activities may be purchased directly by the member. The member may apply for reimbursement once the travel is completed. Board secretaries are also happy to make travel arrangements for board members upon request. Board members may also ask their travel agents to directly bill IBOL for airline ticket costs. If the travel agent does not have an account with the bureau, one can be set up by calling IBOL's accounting department.

The **original travel itinerary** received from the travel agent, with the ticket price listed, **and the ticket receipt card must be submitted** with the travel voucher.

#### **C. Car Rental**

Board members who require rental cars for board business may arrange for the vehicle themselves, or through a travel agent, or through the board secretary. As with

other expenses, members may apply for travel advances or, following the travel, may submit vouchers for reimbursement. In that case, the **original** car rental invoice received from the rental company **must be submitted** to the bureau with the travel voucher. Bureau policy requires that the board must specifically and individually approve members' requests for all car rental reimbursements. Generally, board members are not reimbursed car rental costs for meetings in Boise where hotel shuttles are available.

#### **D. Meals**

Reimbursement for IN-STATE meals is made according to the following schedule:

- All day (7:00 AM to 7:00 PM or longer): \$30.00
- Partial day: Reimbursement for meals for partial days travel, or individual meals claimed, will be reimbursed according to the following schedule:  
Breakfast: \$7.50  
Lunch: \$10.50  
Dinner: \$16.50

Reimbursement for OUT-OF-STATE meals is calculated using the U.S. Government Services Administration Domestic Per Diem Rates for the place of travel. To qualify for individual meal reimbursement:

- Breakfast: Actual departure must be before 7:00 a.m. If returning from a trip or meeting, arrival time must be after 8:00 a.m. Therefore, a traveler who leaves home after 7 a.m. or returns home prior to 8 a.m. may not claim reimbursement for breakfast for that day.
- Lunch: Actual departure must be before 11 a.m. If the traveler is returning from a trip or meeting, the arrival time must be after 2 p.m. to receive reimbursement for lunch.
- Dinner: Actual departure must be before 5 p.m. If the traveler is returning from a trip or meeting, the arrival time must be after 7 p.m. to receive reimbursement for dinner.

If the traveler is eligible to claim all three meals in a day, the ALL DAY amount will be reimbursed.

Beginning and ending travel times must be shown on the travel voucher for the days traveled to and from the destination. Meal costs will be calculated accordingly.

*Please Note: If a meal is provided as part of a registration, room rate, etc., it cannot be claimed on the travel voucher. Included complementary continental breakfasts and appetizers should not be considered as “provided meals.”*

### **E. Taxi/Airport Shuttle**

These charges are reimbursable. A **receipt must be submitted** with the voucher.

### **F. Hotel**

Hotel charges may be paid directly by the traveler or billed directly by the hotel to IBOL. The board’s secretary can also make hotel reservations upon request. When IBOL is billed directly for hotel charges, the traveler’s board is exempt from paying room and sales taxes.

The following hotel charges will be reimbursed:

1. The lowest available **state government standard room rate** + taxes (if direct billed, no taxes will be applied).
2. One phone call home per day lasting no longer than 10 minutes.
3. Phone calls made on Board business listed on the hotel billing.

Room rate charges in excess of the state government room rate are the responsibility of the traveler and will not be reimbursed without the specific approval of the board. Charges such as room upgrades, room service, personal telephone use, movie rentals, and so forth, are the responsibility of the traveler and will not be reimbursed.

To claim reimbursement for hotel charges, the hotel receipt received at check-out time must be submitted with the travel voucher.

## **G. Registration Fees**

Registration fees may be paid by the board member or directly by the bureau. If the board member pays the fees, a **receipt must accompany the travel voucher** to obtain reimbursement.

### **Frequently Asked Questions:**

**Q:** If I have a meal billed to my room, will the bureau pay for it if the room is billed directly to the Bureau?

**A.** No. At checkout time, it is the traveler's responsibility to pay for all charges in excess of the room rate with the exception of calls as described above. The reimbursement rate for meals is shown in section C.

**Q.** Does the honorarium allowed for board members include the travel time to and from board meetings?

**A.** No. The Idaho Code specifies that members of part-time boards, commissions or councils receive honorariums for each day spent in the actual performance of duties. Travel time is not considered the "actual performance of duties." In fact, honorariums are paid only when face-to-face meetings are at least three hours long (although boards may also vote to pay per diem to members who are attending conferences on behalf of the board). Per diem is not paid for time spent on conference calls. Per diem rates are set by law and not all boards receive per diem.

**Q.** May I receive an advance for upcoming trips and expenses?

**A.** No.

**Q.** Are travelers reimbursed for any tips given out?

**A.** Yes and no. Reasonable gratuities for taxis, shuttles, bellhops, etc., are reimbursable without a receipt. Travelers only need to add a note to the expense voucher that details

the amount and service associated with each tip. Gratuities for meals are not reimbursable.

## **TRAVEL VOUCHER INSTRUCTIONS**

The travel voucher is an itemized request for reimbursement of expenses incurred while conducting board business. The voucher may not be used to obtain reimbursement for expenses that are expected to take place in the future. This voucher may only be used after a trip, meeting, or other board activity has occurred. A board member who wishes to receive an advance for future board business should contact the board secretary for an In-State Travel Request or an Out-of-State Travel Request form.

Each travel voucher must include the month(s) of the expenses and the traveler's vehicle license number, Social Security number, and signature in the appropriate darkened areas in the upper section of the voucher. If more space is needed, the voucher may be copied and an additional voucher completed.

The space for "DATE" on the first line should be the exact date on which the board member had expenses. A traveler using a personal car should make note of the odometer readings at the beginning and end of each day of the trip. The "CITY FROM" space should be the name of the city from which the travel began on the date entered. The "CITY TO" space should be the name of the city to which the board member traveled. If the board member stayed in the same city all day, "vicinity" should be entered. "LEAVE TIME" is the time of the day the travel began. "ARRIVE TIME" enter the time of day the traveler arrived at the place of lodging (if the official travel requires an overnight stay) or the time the traveler arrives back at the "CITY FROM."

Under "COMMENTS" the traveler should list the appropriate abbreviations for the meals purchased during that day (**B**=breakfast; **L**=lunch; **D**=dinner). The board secretary will fill in the appropriate amount to be claimed under "MEALS" based on the traveler's entries under "COMMENTS." Reimbursement for meals for partial days of travel or for individual meals claimed will be according to the previously noted schedule.

Based on the above qualifiers, a traveler who is eligible to claim all 3 meals in a day should request the maximum ALL DAY (**BLD**) reimbursement. *Receipts are not required for meal reimbursement.*

“LODGING” is the actual amount, including taxes, paid for lodging. If the lodging was billed directly to IBOL, the traveler should enter **DB** instead of an amount. To receive reimbursement for hotel charges, the **hotel receipt** received at checkout time **must be submitted** with the travel voucher. Hotel charges will be reimbursed as shown above in Section F.

“TOTAL MILES” are the number of actual miles the traveler drove the vehicle for board business on the date listed. Mileage reimbursement is computed at the rate set by the Board of Examiners.

Other entries under “COMMENTS” are optional.

The above procedure should be repeated for each date of travel for board business.

Miscellaneous expenses should either be itemized on a separate piece of paper or clearly identifiable on the receipt. With the exception of meals, **all** travel and miscellaneous expenses must be documented with **original receipts**, including public transportation fares, parking, shuttles, registration fees, etc. Each receipt should clearly show the vendor, the purpose of the expense, the date of the expense, and the amount of the expense.

For airline travel, the **original travel itinerary** received (with the ticket price listed) **and the ticket receipt card must be submitted** with the travel voucher.

## **Section 10: Complaint Policy, Disciplinary Procedures, and the Administrative Hearing Process**

## Complaint Policy

The policy of the Bureau of Occupational Licenses is to process only written and signed complaints. All new complaints are initially reviewed to make sure adequate information has been submitted and that IBOL or one of its boards has appropriate jurisdiction. If appropriate, IBOL may refer the complaint to another governmental entity for its consideration or it may advise the complainant of other avenues that may be pursued.

Periodically, all new and existing complaints are screened. New complaints are reviewed to determine what action is appropriate; existing complaints are reviewed to monitor the status of active investigations.

Once an investigation is completed, another screening will determine whether the evidence warrants legal action. If so, the file is assigned to a prosecuting attorney for review, along with a recommendation of appropriate action to be taken. Recommendations are also prepared for the board.

The board is notified prior to closing a complaint file. Any proposed action against a licensee or registrant is always presented to the board for its consideration. Consent agreements may be negotiated by the prosecuting attorney prior to a presentation to the board; however, the board must accept an agreement before it is valid.

All disciplinary actions, including letters of reprimand, consent agreements, and board orders are considered formal actions and are subject to public disclosure.

## Disciplinary Procedures

Formal disciplinary actions are handled as follows:

### **A. Complaint and Investigation**

Any person who knows of a violation of laws or rules by an occupational license/registration holder may report the violation to IBOL. The Bureau and its prosecutor will investigate the allegation and, if appropriate, prepare a recommendation to the board. If the board finds the case involves an immediate threat to the public health, safety or welfare exists and if it has the appropriate statutory authority, it may proceed to summarily suspend the license or registration pending the prompt initiation of a disciplinary hearing.

### **B. Investigation Results Presented to Board**

Once a board reviews the case, it has essentially two options. If it finds probable cause to believe there has been a violation of its rules or relevant laws, it can instruct IBOL to proceed with a disciplinary action. If the board does not find probable cause, it must dismiss the case.

### **C. Prosecution**

Once the case has been referred to the Bureau prosecutor for disciplinary action, there are a number of possible outcomes. The “lightest” sanction a board can administer is a letter of instruction, educating the licensee or registrant on the appropriate statute or rule. The next step is a warning letter, a warning by the board not to engage in that type of activity again.

One of the most common forms of discipline administered by a board is through a consent order. A consent order is simply a negotiated settlement between the board, through the prosecutor, and the licensee or registrant, that requires a licensee or registrant to meet certain conditions to maintain his or her license or registration. Finally, if either the board or the licensee or registrant is unwilling to negotiate a settlement, the case can be brought to a hearing.

### Board member considerations

A board member who participates in any part of an investigation cannot participate in any decision-making and should not discuss details of the case with the complainant, the licensee or registrant, or any other board member. In addition, to

protect the due process rights of the licensee or registrant, any board member who (1) happens to be unintentionally aware of substantive facts of a case before the evidence has been formally presented to the board and (2) will ultimately participate in the decision making process on the case cannot discuss those facts with the complainant, the licensee or registrant, the prosecutor, or other board members.

The adjudication of a case is a board responsibility. That function includes deciding whether to issue a complaint, deciding whether to accept a consent order or other settlement, deciding the merits of a complaint following presentation of evidence, and deciding what, if any, sanction is appropriate.

### Administrative hearings

From time to time, cases before a board may require formal hearings. The administrative hearing process is controlled by state statutes and rules. Some boards use the services of a hearing officer and simply review the record, findings of fact, conclusions of law, and recommendations of the hearing officer. Other boards employ a hearing officer to sit as a judge and rule on motions and evidence, while the board members sit as a jury.

Regardless of which method is chosen, the board is responsible for reaching a decision and rendering a judgment. It may not delegate that decision-making function to a hearing officer or anyone else.

Following are the major elements of the administrative hearing process:

#### **A. Contested case**

The contested case provisions of the APA govern all proceedings by an agency that may result in the issuance of an “order,” unless otherwise provided by law. “Order” is defined by the APA as an “agency action of particular applicability that determines the legal rights, duties, privileges, immunities or other legal

interests of one (1) or more specific persons.” Therefore, it is the legal effect of the decision—whether it affects an enumerated interest—that determines whether a Board must conduct a contested case, not whether the legislature has provided by statute for a hearing.

## **B. Informal Disposition of Disputes**

Most disputes between a board and a licensee or registrant are resolved through informal methods rather than through contested case proceedings. The APA encourages informal settlements, and allows parties to negotiate, stipulate, settle, or use consent orders rather than go to hearing. When presented with a consent order, the board must either accept or reject it, indicate how it must be modified to be acceptable, or inform the parties what further information is required. Disposition of a dispute under any of these provisions is a “final agency action.”

## **C. Procedure at the Evidentiary Hearing**

The APA sets forth procedures for hearings on contested cases. In Idaho, these minimal statutory provisions are supplemented by procedural rules of IBOL and the Attorney General. These rules outline the procedures applicable to intervention, pre-hearing conferences, pleadings, briefs and motions, service and subpoenas, discovery orders and protective orders. The goal is to ensure that there is a full disclosure of all relevant facts and issues.

## **D. Securing an Unbiased Hearing**

A fundamental tenant of due process is the unbiased decision maker. Board members may be disqualified if a member has either a financial interest in the outcome of the proceeding or has a personal bias and/or prejudice, unless the disqualification would prevent a quorum from deciding the case.

To avoid situations in which a board member could be challenged, it is best to avoid *ex parte* communications with parties or potential parties in a contested case. If *ex parte* contact does occur and the appearance of bias or prejudice is created, the board member should voluntarily recuse himself or herself from participating in the deliberations and should not discuss any facts learned with any of the other board members or the prosecutor.

### **E. Decision Making in Contested Cases**

A board's deliberation process is typically governed by the state's Open Meeting Law and generally the safest approach is to conduct deliberations in open session. The board's administrative attorney can be consulted as to whether or not any deliberations can be conducted in executive session.

### **F. Orders**

Idaho's APA provides for four kinds of orders – recommended, preliminary, final, or emergency – depending on the degree of finality. If the order does not become final until the agency head has reviewed it, the order is a recommended order. If the order becomes final unless a party seeks review it, the order is a preliminary order. A board can issue an emergency order without conducting a hearing. An emergency order is effective upon issuance and is used in situations involving an immediate danger to the public health, safety, or welfare. After issuing the emergency order, the board is required to initiate the procedures that would normally have been followed except for the immediate danger.

### **G. Contested Case Record**

To facilitate any subsequent administrative or judicial review, IBOL is required to maintain the official record of each contested case for at least six months beyond the last date for judicial review. The record includes all notices, pleadings, motions, briefs, and so on.

## **H. Judicial Review**

The APA provides for judicial review of all agency actions, including orders issued in contested cases. On appeal, the court's role is to review the record created before the board and determine whether the board's decision was both reasonable and sufficiently explained. To reverse the board's decision, the reviewing court is required to conclude that the decision was in violation of constitutional or statutory provisions, in excess of the statutory authority of the board, made upon unlawful procedure, or was arbitrary, capricious, or an abuse of discretion.

## **Section 11: The Legislative Process**

The Idaho Legislature meets each year, beginning in January, in regular session. Special or extraordinary sessions may be called by the Governor to address specific topics.

IBOL and the boards it serves are executive branch entities. As such, they adhere to a process for involving the Office of the Governor in an early review of legislative proposals.

### Administrative bills

An administrative bill is one that originates with a state entity (agency or board) and is presented to both the Governor and the Division of Financial Management for review and approval prior to the beginning of the legislative session. Generally, ideas for proposed legislation are due to DFM around the first of August. If the ideas are approved, they will be prepared for submission to the Legislature.

### Legislative Process

When the Legislature convenes in January, the draft legislation (called a routing slip or an “RS”) is presented to a designated legislative committee. The committee’s initial action is to decide whether to approve the draft for introduction. Once it is formally introduced, the draft becomes bill, is assigned a bill number, and is referred to the appropriate legislative committee. The number identifies the bill as it progresses through the legislative process. (Senate Bills are assigned four numbers, as in “Senate Bill 1234” or “SB1234,” and House Bills are assigned three numbers, as in “House Bill 456” or “HB456.”)

A bill goes through three “readings” as it is being considered. The first reading comes at the time of introduction. A bill is then assigned to the appropriate committee, which will study it and make a recommendation to the full body on the bill’s disposition. The recommendation can be that the bill should pass, or that it should be amended, or that no recommendation is being made.

The bill is given a “second reading” once it leaves the committee. The “third reading” is the final reading, usually just prior to floor debate.

Once a bill passes one house, it is sent to the other house and the process is repeated. If a bill is passed by one house and subsequently amended in the other, it must go back to the house of origin for concurrence in the amendments. If the original house does not agree to the amendment, a conference committee is selected. If the committee fails to reach agreement, the bill dies.

### Legislative Etiquette

IBOL’s designated contact person, usually the Bureau Chief, will be notified by the House or Senate committee secretary to appear before the committee when one of the Bureau’s bills is under consideration. Board members may be called on to testify for or against bills, or to explain rule-making decisions.

All committee discussion goes through the chair, including any discussion by a visitor. It is appropriate to open testimony by recognizing the chair. In response to any questions, it is appropriate to acknowledge the chair first and then the legislator who asked the question (e.g., “Madam Chair, Senator Jones, that question goes to the heart of ...”).

Under some circumstances, the chair will impose a time limit on speakers. Depending on the patience of the chair, anyone exceeding the time limit may be allowed to continue or will be interrupted and asked to conclude as quickly as possible.

If something is said during testimony that causes confusion, or if a question is asked that requires further research, it is appropriate to address the written reply to the chair of the committee and to send copies to all other committee members. Any misunderstandings should be clarified as quickly as possible, either on the spot or, if necessary, in writing.

The IBOL staff will monitor the progress of administrative bills through the legislative process and will advise board members of the status of bills.

### Governor’s Action

Once a bill is passed by both the Senate and House, it will be sent to the Office of the Governor. The Governor may:

- Approve the bill by signing it within five days after its receipt, Sundays excepted.
- Allow the bill to become law without signature by not vetoing it, but also by not signing it within the 5-day period.
- Disapprove or veto the bill within the five day period and return the bill to the house of origin, along with a letter giving the reason for the veto. If both houses

override the Governor's veto by a two-thirds vote, the bill will become law anyway.

Once a legislative session has adjourned, the Governor will have 10 days in which to take action on a bill.