Office of the Governor

March 30, 2016

The Honorable Wayne Niederhauser
President of the Senate

and

The Honorable Greg Hughes
Speaker of the House

Dear President Niederhauser and Speaker Hughes,

As required by Article VII, Section 8 of the Utah Constitution, I am writing to provide you my objections to Senate Bill 87, ADMINISTRATIVE RULEMAKING ACT MODIFICATIONS, and to explain my decision to veto the bill.
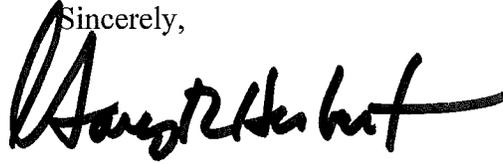
Our goal in all instances, particularly rulemaking, is to increase transparency, and facilitate and improve public input, not limit it. When developing administrative rules, an agency should ensure that there is full opportunity for public participation, even when it is inconvenient.

The work of the Utah State Board of Education is important and affects more citizens than any other state entity with rulemaking authority. The Board of Education oversees approximately one third of the entirety of the State's budget. Exempting the State Board of Education from the current public hearing requirements in existing statute, will result in decreased opportunities for parents and other stakeholders to provide input on State Board rules. It is essential that the public be given ample opportunity to comment on these rules, especially as many of these rules create entirely new education programs and policies.

The rulemaking process can be cumbersome and lengthy, if there are areas that we can streamline the process without limiting public participation, I would like to work with stakeholders to make that happen. But while streamlining the process is a good policy, I will always err on the side of public participation.

For these reasons, I disapprove of and veto Senate Bill 87, ADMINISTRATIVE RULEMAKING ACT MODIFICATIONS, and return it to the Senate.

Sincerely,

Gary R. Herbert