2018 Public Policy Policy Development Report

Road Usage Charge

Equine Dentistry

Public Lands, State Parks, National and State Monuments
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Policy development is the process by which members define Farm Bureau philosophy and establish county, state and national priorities. The success of this process hinges on the active grassroots involvement of its members. This unique grassroots process provides a basis for unity of purpose and action by the organization. Although expensive and often time consuming, it is the effective application of this unique process that qualifies Farm Bureau as the “Voice of Agriculture.”

The following report begins the acceleration of this grassroots process for 2018. Under the direction of the Utah Farm Bureau Board of Directors, three Policy Issue Research Committees (PIRCs) were appointed to help achieve one of the organization’s Strategic Goals – develop and implement grassroots policy through advocacy and education by focusing on 3-5 priority policy issues. PIRC’s help accomplish this goal by providing a forum for in-depth analysis on pertinent issues facing Utah Farm Bureau. Also enclosed are two American Farm Bureau Federation priority issues.

County Farm Bureaus are invited to review these reports and participate in grassroots discussion before submitting possible policy recommendations to the Utah Farm Bureau Resolutions Committee. Policy recommendations must come through the county Farm Bureau. Proposed policy changes must be received in the Utah Farm Bureau Office by the close of Friday, November 2, 2018 – Attention Sterling Brown – 9865 South State Street, Sandy, Utah 84070 or sterling.brown@fbfs.com.

We hope this report is helpful to you in your policy development activities.

Rex Larsen
Vice President, Utah Farm Bureau Federation
Surfacing County Issues

**Suggestion:**

In the same manner the Utah Farm Bureau identifies and researches priority issues, may we suggest you consider a similar process in your counties for surfacing and researching issues for county policy development. As you develop policy for your county Farm Bureau this year, please consider the following activity by your development committee.

After calling a Policy Development Committee, ask them to set appointments with some of the key government and other local and county leaders. Ask them to identify current and future issues they believe to be important to the county.

Meetings could be set with groups like the County Commission, County Health Department, County Sherriff, Planning and Zoning Commission, County Assessor, School Board, County Agents and others. Where possible, a meeting with your state legislator(s) would be very helpful. Some have asked for that opportunity.

When the committee has identified issues from their meetings with the various groups and have received the recommendations for solutions from those with whom they have met, have the Policy Development Committee prepare a list of issues with suggested solutions for presentation at the annual business meeting. This report will provide a nucleus for policy discussion in your annual business meeting. You will be developing policies on real issues pertinent to the lives and operations of county Farm Bureau members.

Prepare final policy positions on those issues the members in the county adopted and printed policies for distribution to the same groups you interviewed. This process will not only give the county Farm Bureau specific policies on current issues, but also notify leaders of your organization’s interest in and position on those current issues for the coming year. This exchange of positions should give your county Farm Bureau a real edge in influencing decisions of local government for 2018 and beyond.

If you need additional help with this process, please don’t hesitate to call your Regional Manager.
Road Usage Charge
Prepared by Sterling Brown, VP Public Policy, UFBF

All county Farm Bureau members are invited to review this fact-finding summary and participate in a county Farm Bureau, grassroots policy discussion before submitting possible policy recommendations to the Utah Farm Bureau Resolutions Committee. Farm Bureau members can only forward Utah Farm Bureau policy recommendations through their respective county Farm Bureau. Proposed policy changes must be received in the Utah Farm Bureau Office by the close of Friday, November 2, 2018 – Attention Sterling Brown – 9865 South State Street, Sandy, Utah 84070 or sterling.brown@fbfs.com.

POLICY ISSUE RESEARCH COMMITTEE (PIRC)
- Rulon Fowers  Weber
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COMMITTEE GUESTS & PRESENTERS
- Nathan Lee  UDOT, Director of Technology & Innovation
- Eileen Barron  UDOT, Administrative Assistant Strategy & Communications

ISSUE

Our state and federal transportation systems are at a crossroads. The revenues currently generated for highways and local roads are inadequate to preserve and maintain existing road infrastructure, reduce traffic congestion and improve levels of service.
The gas tax may not be able to meet our current and long-term transportation funding needs because it is ineffective and outdated. In recent years, the Utah Legislature has increasingly taken general sales tax revenues, historically earmarked for public and higher education, healthcare, law enforcement, etc., and committed them to growing transportation needs.

Gas taxes are based on a 20th Century theory that gas purchases equal road use, with the assumption that most vehicles have a similar fuel economy. For nearly two decades, Utah’s gas tax revenues have declined significantly as a result of increased vehicle fuel efficiency, introduction and expansion of alternative fuel vehicles and decreased purchasing power for construction-related materials. Many western states, including Utah, are exploring additional funding sources, including Road Usage Charge (RUC), a pay-by-mile system, to replace the gas tax, not a new tax.

**BACKGROUND**

Oregon first instituted the motor fuel tax (gas tax) in 1919. Utah followed in 1923 with a rate of 2.5 cents/gallon. Over the near 100 years of the gas tax, it has not been indexed to inflation or miles driven. Between 1997 and 2015, Utah’s fuel tax rate was 24.5 cents/gallon. Starting in 2016, the Utah Legislature raised it to 29.5 cents/gallon where it is today. The federal rate is an additional 18.4 cents/gallon (1992 to present).

**Why RUC?**
The 2018 Utah Legislature adopted Senate Bill 136, titled “Transportation Governance Amendments.” This legislation authorized Utah’s Department of Transportation (UDOT) to develop a framework for an alternative fuel vehicle RUC system that sustains transportation funding into the future. RUC is a funding mechanism that would allow drivers to support road maintenance and new construction based on the distance they travel or the period of time they use the roads, rather than the amount of gasoline they consume.

Increased fuel efficiency is a factor that has led to funding challenges with the gas tax. The Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) have both issued standards that will continue to improve fuel efficiency, which is likely to further erode fuel tax revenues. NHTSA developed standards to improve fuel economy. EPA established national greenhouse gas emissions standards under the Clean Air Act. If
these standards are achieved exclusively through fuel economy improvements, new vehicles must get 54.5 miles per gallon by 2025. As of 2017, the EPA is reporting that automakers are on track to meet these ambitious government standards by 2025. Only 10-15% of gas price is state taxes. Most of the rest is for fuel itself, so arguably, incentives would remain for use of efficient vehicles, if RUC was implemented for gasoline vehicles.

As cars become more fuel-efficient, RUC preserves revenue while gas-based taxation declines. Drivers would pay RUC fees based on impact to the system (i.e. miles driven) rather than on fuel consumed. All passenger vehicle types create essentially the same amount of road maintenance and capacity needs.

RUC is user-fee based in proportion to miles driven, similar to utilities such as water, natural gas or electricity. Studies show that about half of the public know that transportation funding comes from “taxes” like a sales tax or a road tax. Others know funding comes from the gas tax, but they are unsure about how much they pay at the state and federal level, or they even pay two separate gas taxes at the pump. The gas tax is included in the price of gas and generally not shown on the receipt, so it is somewhat of a hidden tax.

Privacy
Implementing RUC requires vehicles to have onboard technology or drivers to install technology that would allow a private entity or state government agency to collect data, such as miles driven. This technology is already found in many newer model vehicles. Many have expressed privacy concerns, particularly with government having access to private data (i.e. miles driven). To minimize these privacy or data sharing concerns, it’s proposed an independent, private, third-party vendor be contracted to collect and largely administer the RUC. After 30-60 days, the vendor would be required to destroy the data. Regular audits would occur to ensure the vendor is following legal procedures.

There are two primary devices on the market designed to collect drivers data – Global Positioning System (GPS) and non-GPS. The more popular device is the GPS. It offers features such as: driver information, location, speed, miles driven, driving aggressively, etc. Non-GPS options still offer added value to drivers, such as battery and engine health and driver scores, but does not gather location information. In concept, only the miles driven would be reported to the vendor and state for billing purposes.
Costs to Rural Utah
According to research conducted by *Financial Impacts of RUC on Urban and Rural Households* (data from eight states, including: AZ, CA, ID, MT, OR, TX, UT and WA), rural users are likely to pay the same or slightly less under RUC than under the gas tax.

The research team used the following two guidelines to generate their results: first, estimated miles driven, vehicle types and state gas tax revenue currently collected, and second, determined a revenue-neutral RUC rate, which is a rate that will generate the same total amount of state tax as currently provided by the gas tax. The research team found rural residents generally drive older, less fuel-efficient vehicles, which increases gas taxes. Rural drivers also tend to travel longer distances per trip. They also drive less frequently than urban drivers.

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Urban</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ave. daily trips/household</td>
<td>6.3</td>
<td>6.2</td>
</tr>
<tr>
<td>Ave. trip length (miles)</td>
<td>7.5</td>
<td>8.4</td>
</tr>
<tr>
<td>Ave. daily miles/household</td>
<td>47.7</td>
<td>52.6</td>
</tr>
<tr>
<td>Ave. fuel efficiency (mpg)</td>
<td>22.8</td>
<td>21.1</td>
</tr>
<tr>
<td>Ave. vehicle age (years)</td>
<td>9.5</td>
<td>10.7</td>
</tr>
<tr>
<td>Number of households</td>
<td>597,480</td>
<td>39,660</td>
</tr>
<tr>
<td>Ave. % change</td>
<td>+0.6%</td>
<td>-5.5%</td>
</tr>
<tr>
<td>Annual $$ change/household</td>
<td>+$1.35</td>
<td>-$14.70</td>
</tr>
<tr>
<td>Annual total $$ change</td>
<td>+$806,000</td>
<td>-$583,000</td>
</tr>
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Utah Law
The 2018 Utah Legislature adopted SB 136 titled “Transportation Governance Amendments” which authorizes UDOT to create an alternative fuel RUC system beginning January 2020. Only alternative fuel vehicles can voluntarily participate in the program beginning January 2020. There are approximately 44,000 registered alternative fuel vehicles in Utah. Of that total, approximately 6,000 are electric. After several years and pending results of the voluntary alternative fuel pilot program, the Utah Legislature may look to expand RUC to include all passenger vehicles and commercial vehicles.
SB 136 also added fees, in addition to existing registration fees, to alternative fuel vehicles as an attempt to get alternative fuel vehicle owners to pay their share of road maintenance/construction costs. This chart shows the additional fees required of alternative fuel vehicle owners starting next year.

<table>
<thead>
<tr>
<th>Year</th>
<th>Electric</th>
<th>PHEV</th>
<th>Gas/Hybrid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>$60</td>
<td>$26</td>
<td>$10</td>
</tr>
<tr>
<td>2020</td>
<td>$90</td>
<td>$39</td>
<td>$15</td>
</tr>
<tr>
<td>2021</td>
<td>$120</td>
<td>$52</td>
<td>$20</td>
</tr>
</tbody>
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RUC in other States
Fourteen western states form a RUC Western Consortium. Of those 14 states, Oregon has conducted several pilot projects over the last 10 years. In recent years, Oregon has collected revenue from nearly 5,000 drivers. California, Colorado, Hawaii and Washington are all currently conducting small scale pilot projects, and the remaining western states are currently in some phase of research and understanding.

QUESTIONS FOR CONSIDERATION

1. Is RUC a modernized, sustainable financial mechanism that will meet Utah’s future urban and rural transportation needs?
2. Under RUC, how will rural drivers be financially impacted?
3. Is technology adequate to distinguish highways vs. frontage roads? Public vs. private roads? Etc.
4. Under RUC, what privacy measures are in place to ensure protections (i.e. locations) to the consumer/driver?
5. How is data collected without infringing on private property rights?
6. How is RUC administered? Enforced?
7. Are the administrative costs of RUC equal/greater than the potential gained revenue?
CURRENT UFBF POLICY
UFBF Policy – Transportation
We support funding of transportation needs in rural Utah. We oppose Interstate 15, as well as other Interstate systems, being designated as “Toll Roads.”

CURRENT AFBF POLICY
AFBF Policy #125 Highways:
1.1 We support increasing the Federal Highway Trust Fund fees to reflect increases in fuel economy and inflation, with additional revenue directed to the Highway Account of the Federal Highway Trust Fund for construction and maintenance of roads and bridges.
1.3 We support revenue collection efforts on those users who do not currently contribute to the Federal Highway Trust Fund due to increased mileage standards, electric vehicles or alternative fuels.

AFBF Policy #128 Transportation
2. We support more allocation of funds for the maintenance and improvement of our transportation infrastructure.

Committee Recommendation
The PIRC did not recommend any policy at this time for two reasons: first, Utah’s alternative fuel vehicle RUC system only applies to alternative fuel vehicles, and second, the system begins January 2020. For these reasons, the PIRC felt it best to delay taking policy action until further review and pending results of Utah’s RUC.

In addition, the PIRC felt a lot can still be learned from other western states currently enrolled in their respective RUC’s. UFBF is best positioned to be proactive in learning from other western states and the current Utah alternative fuel vehicle RUC. Then, at the appropriate time, reconvene a UFBF discussion and consider possible policy.

Recommended Policy (Submit proposed policy changes here)
All county Farm Bureau members are invited to review this fact-finding summary and participate in a county Farm Bureau, grassroots policy discussion before submitting possible policy recommendations to the Utah Farm Bureau Resolutions Committee. Farm Bureau members can only forward Utah Farm Bureau policy recommendations through their respective county Farm Bureau. Proposed policy changes must be received in the Utah Farm Bureau Office by the close of Friday, November 2, 2018 – Attention Sterling Brown – 9865 South State Street, Sandy, Utah 84070 or sterling.brown@fbfs.com.

POLICY ISSUE RESEARCH COMMITTEE (PIRC)
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Ken Spackman  Park Valley
Greg Witbeck  Vernal
Jim Wayment  Ogden
Tracy Hatch  Randolph (representing Utah Cattlemen’s Association)

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Dr. Pam Nichols  Veterinarian, West Bountiful Animal Care Center
Dr. Kerry Rood  President, Utah Veterinary Medical Association
Dr. Roger Rees  Veterinarian, South Valley Large Animal Clinic

ISSUE

The demand for proper dental equine oral care has grown dramatically over the last twenty years throughout the country. Historically, veterinarians have filled this equine dental demand. However, in recent years, non-veterinary certified equine dentistry technicians have found a market in many areas of the country. As equine dentistry demand increases, veterinarians believe equine dentistry is fundamentally veterinary in
nature, and therefore, in the best interest of horses’ welfare be performed by an actual veterinarian or under the immediate or direct supervision of a veterinarian. Equine Dental Technicians, on the other hand, believe if they are properly educated and trained should be given legal access and authority to provide equine dental care.

Different states have enacted varying degrees of law regulating equine dentistry. These laws continue to evolve. Horse owners are left with determining what’s legal in their state then whom to perform the work.

BACKGROUND

_Veterinarian versus Equine Dentistry Technician_

Veterinarians and Certified Equine Dentistry Technicians (technicians) work closely together to ensure the medical health of animals, but there are important distinctions between their legal authorities and scope of work.

Veterinarians require much more schooling and assume much more responsibility, by law, than technicians. A veterinarian first completes a bachelor’s degree with a pre-medicine concentration, then undergoes an additional four years of schooling to receive the title of Doctor of Veterinary Medicine. Utah’s Veterinary Practice Act (58-28-102) gives Veterinarians authority to diagnose, or treat any disease, defect, deformity, wound, injury or physical condition, including administering, prescribing or dispensing any drug, medicine, treatment, method, or practice, perform any operation or manipulation or otherwise practice any veterinary medicine, dentistry or surgery on any animal.

Veterinarians believe the practice of equine dentistry is an integral branch of professional equine veterinary practice, including the evaluation of systemic disease within the oral cavity and the contribution of oral conditions to the overall health of the individual horse. Any surgical procedure of the head or oral cavity, the administration or prescription of sedatives, tranquilizers, analgesics, procedures which are invasive of the tissues or the oral cavity, including the removal of sharp enamel points, treatment of malocclusions of premolars, molars, and incisors, reshaping of teeth, the extraction of first premolars and deciduous premolars and incisors, extraction of damaged or diseased teeth and treatment of diseased teeth are veterinary dental procedures and should be performed by the licensed veterinarian. For these reasons and a few others listed below, Veterinarians seek to maintain existing Utah laws governing equine dentistry.
• If a serious dental issue is discovered, the veterinarian is capable of performing any necessary treatments or surgery to properly address the situation.
• Veterinarians are licensed, regulated and insured to practice veterinary medicine under the auspices and guidelines of state laws, veterinary board and national or ganizations. They are also required to regularly fulfill continuing education require ments and maintain certifications.
• Veterinarians have acquired the education and experience to administer sedatives and pharmaceutical drugs. Not having this advanced education and experience on sight, creates animal health and increased liability concerns.

There are two kinds of technicians. First, Veterinarian technicians typically go through at least a two-year post-secondary program to acquire the licensing and certification needed to work in the field. These technicians usually work as assistants to veterinar ians. They can take x-rays and blood samples, test blood or urine, administer med ications, keep patient records and perform emergency first aid. Second, are Equine Dental Technicians. These technicians are not required to do two years of formal ed ucation. An endorsement from the Academy of Equine Dentistry, for example, can be obtained in less time than two years.

Equine Dental Technician(s) propose creating a Utah licensing structure that is independent of Veterinarians. This would allow Equine Dental Technicians to conduct routine dental procedures and administer sedation without the immediate or direct supervision of Veterinarians. The following are reasons/justifications for the proposal:

• increased difficulty to physically schedule technicians, the horse owner and the veterinarian at the same time, particularly in rural Utah.
• limited number of rural, large animal veterinarians. This results in clients having to wait extended periods of time until veterinarians are available.
• technicians have developed great technical skill, are dedicated to their work and use state-of-the-art equipment.
• technicians can voluntarily attend technical training in equine oral dental care, some with “certification” from one of several independent equine dentistry courses, schools or organizations.
• specialized, current education provides necessary education and training.
• some horse owners don’t want to be told who can and cannot perform equine dentistry care.
State Laws

Utah’s Veterinary Practice Act requires technicians to be under the immediate or direct supervision of veterinarians when practicing equine dental care, specifically when administering controlled medications, such as sedatives or tranquilizers. The Utah Veterinary Medical Association supports the current Utah law for three primary reasons: ensure animal welfare, provide a regulatory process to protect consumers (liability, competency and licensure) and issues surrounding use and administration of controlled substances.

State laws indicate that varying levels of technician supervision are required for equine dental work. In a few states, only licensed veterinarians may perform dental procedures. Other states require technicians to have a veterinarian physically on-site (immediate or direct supervision) during any dental work.

Utah law (58-28-102) defines three different levels of Veterinarian supervision:
Direct supervision: a veterinarian is present and available for face-to-face contact with the patient and person being supervised, at the time the patient is receiving veterinary care.
Immediate supervision: a veterinarian is present with the individual being supervised, while the individual is performing the delegated tasks.
Indirect supervision: a veterinarian has given either written or verbal instructions for veterinary care to the person being supervised and is available to the person being supervised by telephone or other electronic means of communication during the period of time in which the veterinary care is given.

QUESTIONS FOR CONSIDERATION

1. Should Equine Dental Technicians be permitted to practice equine dentistry without veterinary supervision? If so, to what level of supervision?
2. Regardless of the level of supervision by the veterinarian, who is liable if the technician causes injury or death to the horse?

CURRENT UFBF POLICY
No policy (Equine, page 17).

CURRENT AFBF POLICY
We support excluding certified equine dentists from being regulated as practicing veterinarians (#306, Equine, page 58).
Committee Recomendation
We support Certified Equine Dentistry Technicians be at least indirectly supervised by a practicing veterinarian.

Recommended Policy (*Submit proposed policy changes here*)

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POLICY ISSUE RESEARCH COMMITTEE (PIRC)

Dusty Reese       Kane County
Marc Henrie       Garfield County
Layne LeFevre     Garfield County
Dusty Huntington  Emery County

ISSUE

Current Utah Farm Bureau policy opposes new State Monuments and Parks and the expansion of State Parks. It also opposes new National Monuments and Parks.

Current proposed legislation from Utah Congressmen would create a new National Monument, a new National Park and expand an existing State Park.
BACKGROUND

A conference call of the State Board and County Presidents regarding this issue was conducted and Utah Farm Bureau was given unanimous consent to proceed with supporting the proposed legislation provided local consent was given.

Meetings with local grazers and governments were held and all were in favor of supporting H.R. 4558 which includes a National Park in the Grand Staircase-Escalante National Monument. Meetings were also conducted with local grazers and governments and all were in favor of supporting the Jurassic National Monument in Emery County.

A new PIRC was created with representatives from San Juan, Garfield, Kane and Emery counties because each has proposed legislation with this issue. All were in support of the proposed language and the grassroots concept of control at the County level on Public Lands issues.

LEGISLATION

On December 4th, 2017, President Trump signed two executive orders reducing the size of two National Monuments in Utah. That same day, Representative Curtis (UT-03) introduced H.R. 4532, the “Shash Jaa National Monument and Indian Creek National Monument Act”.

The next day, Representative Chris Stewart (UT-02) introduced H.R. 4558, the “Grand Staircase-Escalante Enhancement Act” which includes a new National Park within the Monument.

On May 9th, Representative Curtis introduced H.R. 5727, the “San Rafael Swell Western Heritage and Historic Mining and National Conservation Area” which includes the Jurassic National Monument of 2,543 acres and the expansion of Goblin Valley State Park.
CURRENT UFBF POLICY
UFBF Policy – National and State Monuments and Parks
We oppose the creation of new National and State Monuments.
If monuments exist, we support:
   1) Congressional review and evaluation to determine the necessity of all national monument designations using the NEPA process

CURRENT AFBF POLICY
AFBF Policy #514 National, Trails, Landmarks and Monuments:
1.4 Farm Bureau supports rewriting the Antiquities Act to revoke the executive branch’s ability to designate national monuments. Congress, with the approval of state and local governments, should be the body to designate national monuments.

COMMITTEE RECOMMENDATION

The committee recommends a change to UFBF policy “National and State Monuments and Parks” to the following:

We oppose the creation or expansion of new National and State Monuments and Parks, unless impacted permittees and local governments are supportive. If monuments exist, we support:
   1) Congressional review and evaluation to determine the necessity of all national monument designations using the NEPA process
   2) Etc.

Recommended Policy (Submit proposed policy changes here)

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Directives to the UFBF Board of Directors are general statements of inquiry. County Farm Bureaus can submit proposed directives to the board for review, research, discussion and possible action. Similar to developing policy, directives to the board must be submitted in the same manner. The Resolutions Committee reviews “grassroots” proposed directives and can recommend, amend, or delete proposed directives. Directives that receive favorable action by the Resolutions Committee are then forwarded to the Delegate Body for final action. The UFBF Board of Directors, under the direction of the President and help from staff, is responsible for researching directives and providing a verbal and written report to the following year’s Resolutions Committee.

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3. 

4. 