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Issues in Tennessee Agricultural Law & Policy

*Julie Bowling*⁵
*Theresa Denton*⁶
*Rhedona Rose*⁷

MR. WILLIAM MAZZOTA: All right. Everyone, we're going to get started again. Thank you. Welcome back. My name is Will Mazzota. I'm the Managing Editor of the *Tennessee Journal of Law & Policy*, and a third-year law student here at UT. Also, I'm very interested in agricultural issues, specifically towards the environment. This symposium is really awesome opportunity, and I thank all of our speakers for coming out today.

Our next panel discussion will focus on issues with Tennessee agriculture law and policy. Agriculture is Tennessee's number one industry. Our state boasts diverse agricultural production systems and each grand division even has its own top commodities. The work of our state legislature and state government touches many aspects of farming. The three panelists we are about to hear from, all have first-hand experience in shaping the focus of law and policy in Tennessee.

You've already been introduced to Julie Bowling, who will be joining us again. Next, I would like to introduce Ms. Theresa Denton. Theresa is general counsel at the Tennessee Department of Agriculture. She directs the department's legal works in all areas of responsibility. She

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directs with legal research and represents the department on civil and regulatory proceedings, as well as other legal matters. She served two years as deputy general counsel for the Tennessee Department of Transportation. She has also served as environmental legal counsel for the Department of Environment and Conservation, from 1994 to 2005. And as a staff attorney for the Tennessee Department of Mental Health and Mental Retardation and the Middle Tennessee Mental Health Institute. She's a 2010 graduate of the Tennessee Government Executive Institute. Theresa has a law degree from the Nashville School of Law and an M.B.A. from Vanderbilt University's Owen School of Management. She received her Bachelor's degree in history and sociology from Middle Tennessee State University.

Finally, we have Rhedona Rose. Rhedona serves as executive vice president of the Tennessee Farm Bureau Federation and previously as director of public affairs. Further, Rhedona and her colleagues in public affairs represent the interests of farmers in the Tennessee State Legislature. She also tracks legislation in congress, and federal rule making to keep farmers informed and make sure their voices are heard during those processes. She holds a Bachelor's degree in agriculture from Tennessee Tech and a Master's degree in agricultural development from Texas A&M University. She also serves the University of Tennessee as a member of the board of trustees representing the fourth district. She serves on the academic affairs and student success committee and the research outreach and economic development committee. She also has to leave a little early today, so please excuse her absence. And so, everyone, please welcome our panelists.

MS. ROSE: Thank you, Will. I appreciate being invited to be with you all today and hope that some of what

I have to share will be of interest. One thing that Will didn't share in that introduction is that I'm honored that two former interns, who have worked with me in the past, are both part of this group. One being Julie Bowling, and you all have already heard from her, but she was an intern that worked under me in the Tennessee Farm Bureau just a few years ago. And then Laura, who helped to set up much of this today, was also a former intern of ours at Farm Bureau a few years ago. We tried our best to her, just like we did Julie, but Laura wanted to go to law school. So she went to law school, and I'm glad that her love of agriculture continues in what she's doing today.

I think we decided that I will go first because I'm going to give you kind of a general overview of agriculture and how things are changing in Tennessee. A brief overview of agriculture, our changing demographics, changing population, how that's impacting the political world that we work in in Nashville, then to talk very specifically about three issues that we've been involved in with Farm Bureau that have been impacted by all of those various issues.

Agriculture is a \$46.7 billion dollar industry in this state. It generally is about 10% of our state's economy that comes from agriculture, so a very, very big and important part of agriculture. Farmers face many, many challenges. Challenges unrelated to the regulatory and legal challenges that you all are hearing here at this particular conference. They have challenges related to weather. They have challenges related to commodities. They have challenges related to diseases and insects. Then upgrading to the new technology, paying the tax bills that they have to. Paying those upgrade bills that they have to pay, in addition to trying to take care of their family and keep the farm together to pass it on to the next generation. It's been said

that in agriculture, a thousand things have to go right in order to succeed, but only one thing can go wrong and really have a very big impact on agriculture. All of those things are things that are very much involved, from our standpoint.

One of the good things about agriculture is that we know that people depend on agriculture. Whether you're involved in it or not, it's very much part of your life. Particularly, if you have an appetite for food and clothing and shelter, agriculture's important to you, so we hope that the success of the farmer is also important to you. Our appetite is growing, and perhaps you all have already heard this, but it's expected that the world's population will double in the next twenty years. We have 6.8 billion people in the world today. It's anticipated by the year 2050, we'll have 9 billion people. All of those people have to be fed and clothed. We've heard the statistic over and over again that in the next fifty years, we'll have to produce as much food as we have in the last ten thousand years combined, so we have a big challenge for us. A big part of that challenge will be allowing the farmer to adapt to technology that's becoming available in order to produce those foods.

Most of us are aware of the country of China. We know what a huge population China has. China has a growing appetite, specifically for protein and for meat products. In 1992, and I suspect there's probably many in this room that were just born around 1992, but in 1992, the Chinese population ate about half the amount of protein and meat products that we consumed here in the United States of America. By 2008, they were consuming two times the amount of protein that we're consuming. By 2013(sic), it's anticipated that the Chinese people will eat as much beef in one day as we consume in one month here in the United States of America. So all of that is certainly big

as far as the growth of this industry.

As far as Tennessee is concerned, we're seeing a reduction in the amount of land devoted to agriculture, but also to the number of people involved in agriculture. At the turn of the century, in the 1900s, we had about a quarter of a million acres, two hundred and fifty thousand acres in this state devoted to agriculture. Today we have more in line with eighty-nine thousand farms in this state. I said acres, two hundred and fifty thousand farms and now we have about eighty thousand farms in Tennessee. As far as acreage is concerned, you all probably know, we have twenty-six million acres in this state. We used to always be able to say that about thirteen million acres were devoted to agriculture, but now we're a little less than eleven million acres devoted to agriculture. We've seen a lot of that land, over the least twenty, thirty years, move out of agriculture into other uses. Quite honestly, for the agricultural community and for the Farm Bureau, that's something that's very troublesome to us because we typically see that it's some of the very best land that's devoted to other uses other than agriculture and we hate to see that happen, but we've been seeing that change pretty drastically. I looked back, just between the time frame of 2000 to 2007, we saw a drop of over four hundred thousand acres of agricultural land. And to put that in a perspective where you can understand it, that's about a hundred and fifty-six acres a day. That's about six and a half acres per hour, which means that if those statistics hold true, that just in the time of this program, you'll see about six and a half acres, that have historically been agricultural, be devoted to something else.

Now, for the next couple of slides, I wanted to show you a kind of a pictorial view of how that's taking place. This is showing the Southeast. You can see the bright red showing the area where development's taking place. I'm

going to go through a sixty-year time frame here from 1970 until the year 2030, to just show you how much population is changing in the Southeast. I'm at 1990 here, the year 2000, year 2010, year 2020, and 2030. So you can see with the population growth in the Southeast, the pressures that this is causing to our farmland. It not only puts pressure on the farmland, but I want you to think about the pressure that puts on our water needs. I want you to think about the pressures that puts on our energy needs, electricity needs, but also the impact on our timber and the other infrastructure that's very much needed in the area.

Now, this has changed things politically, as well. Because I suspect that most all of you know that our politicians are elected for a geographic area with a certain population. From basically 1901 to about 1962, we didn't go through redistricting the way we were supposed to and realigning our legislative district. So they stayed pretty much the same through that time frame. There's a famous U.S. Supreme Court decision that started out of Tennessee called *Baker v. Carr*, which kind of forced us to make the changes that we were supposed to be making. I pulled out the 1946 senatorial district. I used that one because that was one I could find in color that actually related to that time frame. You can see here in that time frame, basically all of the senate districts are about the same size, yet you know that our population was not geographically evenly disbursed during that time frame. In reality, the rural areas probably had a greater influence during that time frame than they were really supposed to. Then you look at, and I put current senate districts.

You can see that there's a significant change. What I hope you really notice here is that our big four are the areas where we have a huge population concentration, and therefore a huge concentration of our senators from those

areas as well. Our rural districts still have one senator that will represent seven, eight, in some cases as many as nine counties in their senatorial district. Yet, you can look at some of the urban areas and find that we'll have three, four, perhaps more senators from those urban areas. In fact, I counted it up. When I refer to the big four, I hope everybody knows I'm talking about Nashville, Knoxville, Memphis and Chattanooga. If you look at the senators that represent at least a portion of those big four, fourteen senators of the thirty-three that we have, fourteen represent at least a portion of those big four. It takes seventeen votes to pass a bill in our State Senate, so our big four are three votes away from having enough representation to pass a bill in our state Senate.

I just want to tell you a little bit more about the make-up because I think it's important. We've got a pretty lopsided majority right now. Most of you all are probably aware of that. The Republicans have 101 of the 132 members of our General Assembly, both House and Senate. As lopsided as that may seem, it's not the most lopsided it's ever been. In 1959, the Democrats actually had a 110 of the 132. They were a little bit worse off in 1959 than we are now. It's kind of a new General Assembly. We have 31 newcomers in that 109th, 21 in the 108th. So basically 52 of the 132 have shown up in the last two General Assemblies. The part that we pay particular attention to, though, is the fact that our rural Democratic caucus that we oftentimes depended on for agriculture issues is no longer what it used to be. There are five Democratic senators in our state Senate now, five. Three of those come from Memphis and two come from Nashville. We have no senators in the State Senate that come from rural areas that are of the Democrat Party, and that continues on into the House. In fact, we only have five House members in the House side that come from districts that are less than

100,000 in population. We've seen a definite shift there when the rural Democrats used to be very close to agriculture, and I don't mean that to come across as partisan at all, but just a change in the demographics that we're working with.

We used to have a day when most General Assembly members had some sort of agricultural background, and that's not the same today either. In fact, many of our lawmakers used to come from agricultural backgrounds, and if you look at the way they record their occupations, there are eight out of the 132 that have farming listed. Six of those eight have another occupation listed as well, such as lawyer/farmer or pharmacist/farmer. There are actually two that I would call full-time farmers out of the 132, so we've seen a drastic change of that agricultural background in folks that represent us in the General Assembly.

The last picture I'll show is a site that I hope is familiar to all of you all, your football stadium. As I talk about the declining population in agriculture and the decline in influence in the General Assembly, I want you to realize, it is still very, very important to this state. If you look at the number of folks that are involved in actual production agriculture, it would fill this stadium. If you add to that the number of folks that are in the service industry servicing those farmers, you would fill this stadium three times, plus Thompson-Boling Arena, and you would still need 5000 seats in order to make sure that we had enough seats to represent all those that are involved in the industry, so agriculture is very, very important.

One of the big things that the General Assembly deals with that affects us in agricultural, in the agriculture community, is the budget. I hope you all know that we have

a very conservative budget here in Tennessee. As a result of that, it's conservative enough that many times our Department of Agriculture, and we're going to hear from Theresa here in a little bit, they realize that they have to do it on a shoestring of money in order to do everything that they need to do. But basically, we have a \$32 billion dollar budget to represent our 6.5 million people. That's about \$5,000 per capita that we're spending in this state. We're a very tax friendly state. We have the forty-ninth lowest in the country in state and local taxes, but we have the highest sales tax in the country, which many of you all are probably aware of. As far as our business taxes, we're about middle of the state. We're one of four states that doesn't carry a transportation debt. We have the thirteenth lowest gas tax, the seventh lowest diesel tax. And so our folks, our General Assembly members, have done a pretty good job. On the downside of that is about every 10 to 15 years, we end up having to figure out where we're going to come up with more revenue in order to operate on a balanced budget as we're supposed to.

From an education standpoint, and we've seen a lot of attention to this in the last couple of years, historically, we've ranked K through 12 in the forties, as far as other states. We're now in the thirties. That's good news. Our current governor says it's his goal before he leaves office, he would like to see us in the twenties.

So, with that, I want to talk about three very specific issues that we've worked on recently that relate to agriculture, but also relate to property in some standpoints. I see Mike back here and he's going to be one of our speakers later and talk very specifically about UAVs, and I suspect about unmanned aerial vehicles, or what many of you all probably know as drones. I suspect he's going to talk a great deal about what's happening on the national

level. I do want you to be aware that we did pass a bill at our state General Assembly two years ago related to UAVs, or drones, for two distinct purposes. Number one, we wanted to make sure that as Tennesseans, that we embrace the technology. Because the technology that's out there and available through drones, we think is very, very exciting, particularly in the agriculture world. There are so many things that we can do with drones to help farmers use less chemicals, use chemicals specifically where they're needed, monitor their crops, monitor their livestock. So we wanted to embrace that technology, and it wasn't just for agriculture. In fact, eighteen very specific interests in drones wanted to make sure that they were included in that legislation to embrace that technology, and that particular public chapter is in the packet that was made available to you all. So I would encourage you to look at it. But, we also wanted to make sure that drones or UAVs could not be used to bypass our trespass laws because we have some very specific trespass laws in Tennessee. Specifically, we didn't want somebody to think "I can't walk onto your property, but I can fly ever so slightly above your property and see things that I wouldn't be able to see otherwise." So that was the real purpose of the legislation; those two purposes, to embrace the technology, but also to protect the trespass laws that we've had in place for some time.

Second, property related law that we have been very, very involved in relates to annexation. And for years in Tennessee, most annexations in this state have occurred by ordinance. And so if you were a landowner just outside of the city limits and the city decided that they wanted to annex your property, you had very little say as to whether you were going to be annexed or not. I've been with Farm Bureau for thirty years, and until two years ago, for those thirty years, that was an issue every time we met with farmers. They talked about how the annexation laws didn't

give them enough voice on when they were going to be annexed. So two years ago, out of the Chattanooga area, Representative Carter and Senator Bo Watson passed a bill that really we were kind of surprised got as much attention and as much support as it did statewide, to change our annexation laws, particularly as it related to ordinances.

But specific to agriculture, and if you had told me ten years ago this was going to happen, I would have told you no way that it could happen, farm property that's used for agricultural purposes can no longer be annexed unless it has the written approval of the farmer that owns that property. And for us, this is huge. Because what we have seen through the years is that typically, when farm property was annexed into a city, it didn't remain farm property much longer. The pressures of being in the city, the taxation of not only paying county property taxes, but also paying city property taxes, and then just in general, the loss of infrastructure and all of the other problems that come when non-farm folks are around you it kind of was the death knell of a particular farm staying as a farm once it was annexed into the property. So the public chapter for that is in your packet as well. I will tell you this issue's a little bit ongoing in that in the law that Senator Watson and Representative Carter passed, they did make it clear that it had to be agricultural land being used for agricultural purposes. Now, they're trying to define what those agricultural purposes are. To us, we think we know it, but obviously in some areas of the state they need a clearer definition of what agricultural purposes means. You'll see that ongoing.

The third one that I want to talk about specific for property taxes, and I already kind of mentioned that I feel a little bit inadequate to talk about property taxes when we have Kelsie Jones here from the State Board of

Equalization. Any questions that come up related to property taxes, if I'm already gone, Kelsie can answer those, but as I go into that, I do want to draw your attention to a particular area of study related to property taxes that the Farm Bureau's been involved in. It's called cost of community service. The American Farmland Trust does these studies. We've had three of them done in the State of Tennessee: one in Blount County, one in Robertson County and one in Tipton County, in the three grand divisions of the state, where they go in and they look at all of the revenue at a given -- at a given set in time. They look at all of the revenue that's coming in to a particular county, and then all of the expenses that go back out. Assigned to that revenue, where's the revenue coming from and then where is it being spent?

One of the interesting things of these cost of community service studies, and like I say, the American Farmland Trust does them, they've done them all across the country, is that their results have not changed from the standpoint that typically what they show is that residential property as a whole brings in a whole lot more revenue, but it also costs a whole lot more to service. In fact, for the most part, what residential property brings in, for every dollar that they bring in, it costs from a dollar to a dollar twenty-five or thirty to service that. You can't really build yourself out of a loss of revenue issue by bringing in houses to your community. Whereas industrial park property and commercial property, they're a net contributor. For every dollar that industrial property pays in taxes, they only require back thirty, forty cents' worth of services for every dollar that they generate. Farm property is the same. I put in the particular study, the Blount County example. You can see in Blount County, for every dollar that residential collected, it was a dollar twenty-three in services; for every dollar commercial property collected,

twenty-five cents back in services; for every dollar farmland, forty-one cents back in services. And I show that to you to make the point that, yes, agricultural land may not bring in as much money as residential property or commercial property, but it also doesn't cost as much to service agricultural property. It has a lot of benefits for your community to have that open space within your community.

Which brings me to the greenbelt law. In your packet, you'll find this brochure as well. The greenbelt law was passed in 1976 to make sure that farm property is taxed on its use, best use as farm property and not on its potential development use. What we realize is that if a farmer has to pay taxes on a tract of land for its potential development use to be a Wal-Mart or a Kroger or a shopping mall of some sort, there's no way the farmer would be able to continue to use that land to farm it. And so the greenbelt law is very important to us. There's a very complicated formula, but it's been tweaked throughout the years to try to make it as fair to everybody involved to make sure that farmers can continue to farm, and yet local governments can continue to get the amount of revenue that they need to service the property. Then, the state board or the state division of property assessment prepares for every county, in the year that the county goes through its reappraisal, a schedule of what crop values are worth, commodity values, and put that formula together to come up with a fair representation of what farm property ought to be taxed, and, of course, one of the things that we're sensitive to is we don't want people to abuse the greenbelt law, so it also includes a rollback tax on it. If a developer buys a piece of farmland and cuts hay off of it or puts some cattle on it just to hold it until they get a really good development price, they're going to have to pay three years' worth of rollback taxes on that property once they take it out. So the

greenbelt law is very important to us. I would encourage you to look at that brochure. Particularly when you go into the legal profession, know that that brochure is not only available on our website within the Tennessee Farm Bureau, but I think the Division of Property Assessment links it as well where you can find out more information.

Two things I'll close with very quickly. I think by you all being here, it shows that many of you all are interested in what's going on in agriculture, but what's also going on in public policy. I would encourage you to be involved to vote, to get to know your lawmakers. Two-thirds of Americans didn't vote in the last election. And that's just very, very discouraging to me. I would encourage you to always take the opportunity to vote, get to know your lawmakers. Woody Allen said that 80% of success is showing up. You all showed up today, and I would hope that you also show up at the polls when those needs come and when that opportunity is there.

The last thing I'll share with you is we are very blessed to live in the country that we live in. Agriculture is very, very important. I want you to think around the world to those countries that have a good quality of life, and one of the common elements that you'll see in those countries is that they also have a good, strong agriculture. So, whether you make your living from farming or not, it's important to you that we have a good, strong agriculture. Quality of life and strong agriculture in our country are very, very much related. So with that, Theresa, Julie, whoever's next. Thank you all.

MS. DENTON: I want to say thank you, Rhedona. Rhedona anytime I've heard her speak, she always gives me something to think about and also to get really kind of inspired. I appreciate your words. I appreciate being asked

to be here today. I've been introduced, I'm Theresa Denton. I'm the general counsel for the Tennessee Department of Agriculture, and pleased to be here. I've seen several people I know here today, but to be in the company of people who are both interested in and knowledgeable about agricultural issues is wonderful. When I talk to my colleagues, friends, or people even individuals within the state department, they say, where do you work and what do you do? And I say, well, I'm general counsel for the Department of Agriculture, and even people within state government will look at me and like, what do you, exactly? And then before I can answer, they'll start to supply things that we must probably do. And they'll say, well, do you like sue farmers? Do you license farmers? Oh, wait a minute, you inspect farmers, that's what you do. And so there's an element of truth in all these things.

The Department of Agriculture has many, many vast programs to support agriculture, and yes, depending on, you know, what kind of farm operation you have, staff with the department may have to be licensed depending on what you're doing. If you have certain farm operations, you may actually be subject to inspection. There are, unfortunately those infrequent times where, yes, we do have to bring an administrative suit. But the department has so many programs that do support and inform and educate agriculture that it would actually take me the entire time that we have to go into every one of the programs that we have. The Department of Agriculture has broad powers within the agricultural community, but the first one that's mentioned in the statute is this one. They're empowered to encourage and promote in every practicable manner the interest of agriculture. And that is why I said that we have so many programs that fall under this very broad mandate that it would take me the entire time here to go into them, but what we are focusing on today are the food policies.

That brings us to the question, what is agriculture? What is the definition of agriculture? Until 2005, there wasn't actually a definition of agriculture in the Tennessee Code. And in 2005, a definition, an official definition, was actually included, and the definition is included in both Title 1 and Title 43. And it starts out with "the land". The first noun in this definition is "the land," and as land, buildings, machinery used in the commercial production of farm products and nursery stock. And that's not all. It goes on and it's the activity carried on in conjunction with the commercial production of farm products and nursery stock. That includes the planting, the irrigation, the harvesting, all the activities that go along with that, and that's not all. It also includes, as you've heard with Julie and Rhedona, recreation, recreational and educational activities on land used for the commercial production of farm products and nursery stock. And I want to highlight the word "commercial" because this is about commerce, so recreational and educational activities. This would concern and include things like corn mazes, field trips, farming your own produce, hayrides.

I live close to the Gentry Farm and it's not unusual to see the demonstrations and yellow school buses go by. The kids are going out, and they're going to see where pumpkins actually come from and they're going to pick one, and they're going to have a good time and play and have a field trip on this farm. That's part of recreation and education on land use for the commercial production of farm products.

In 2014, this definition, which I said was added to Tennessee Code in 2005, it was amended in 2014. It was expanded to include entertainment activities. As with recreational and educational activities, these are closely

concerned with the land. We expanded it to include entertainment activities. As you've heard Julie talk about the lawsuit that went up to the Supreme Court, *Shore v. Maple Lane Farms*, what this narrow Supreme Court decision pointed out was that the definition that we had put in the statute in 2005 did not include, according to the Supreme Court, trends in actual farm operations that were involved in by many farmers across the state, including entertainment activities. Now, the way it was amended and added, it says, entertainment activities conducted in conjunction with, but secondary to the commercial production of farm products and nursery stock. When such activities occur on land used for the commercial production of farm products and nursery stock. So there are some constraints. If you recall in the previous slide, the recreational and educational activities occurring on a farm, those were not constrained. But the entertainment activities were included and constrained because this is an activity that for it to be an agricultural use of land, needs to be connected. There needs to be a nexus with that farm operation.

You heard Rhedona talk about and show the maps showing the loss of rural land that has continued over the decade. One of the sociological and demographic results of this is when you have rural land that is lost to, very often, residential development. You have to kind of group the people and that sometimes results in a cultural clash, and you have people moving out to get the benefits of living in the country, but then all of a sudden they realize that, wait a minute, living next to a farm sometimes means that there are noises and there are smells and there are activities that maybe I don't like. So this resulted, in many cases, in nuisance activities. It involved neighbors getting in lawsuits with one another over who had the right to determine what kind of activities were going on in the other's property. So

there is a version of the Tennessee Right to Farm Act in all fifty states. All fifty states have recognized this as a public policy to protect the established farm and established farm activities.

The Tennessee Right to Farm Act establishes a rebuttable presumption that a farm operation is not a public or a private nuisance. And it also includes the activities that occur on a farm. Activities including, you've got a pretty broad definition and states list these, but it says not including and not limited to the noise, odors, dust, fumes, machinery operations, aerial seeding, spraying, fertilizer application, insecticide application and use of labor. This is all included in activities that are protected in the Tennessee Right to Farm Act.

We amended the definition of agriculture in 2014 in Public Chapter 581, the Tennessee Right to Farm Act was also amended to include marketing of farm products in conjunction with production of farm products and then any other form of agriculture, which is included in Title 43. Also, recent legislation in 2014 established a consistent definition of livestock to be used throughout the code. There was not one. So this is at TCA 43-1-114, and it is a definition of livestock applicable in the code unless there is a different and more specific definition. It says, livestock is all equine, as well as animals that are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats and poultry. That was placed in the law in 2014.

A real kind of different and exciting policy and law change that the Department of Agriculture is administering has to do with industrial hemp. I like this image, because it says, free the seed. And in our department in this past year,

we have been working in trying to free the seed, and we've had a few barriers along the way. But we have finally reached that goal. So this is a new policy begun in the Department of Agriculture this year, and it is for the licensing of growers of industrial hemp. Now, you might say or you might know, how does industrial hemp, being a form of cannabis, how is it different from the one that we all hear about, the hallucinogenic drug. And there's actually a definition in TCA 43-26-101 and it essentially states, and I will not read all of these scientific terms in here, that the plant or seed cannot have a THC concentration that is more than three-tenths of one percent. Now, a street drug will have a THC concentration of three to eighteen or twenty percent. We're talking about a miniscule amount. This is not medical marijuana, this is industrial hemp with three-tenths of a percent THC or less, and that's the definition.

There are over twenty-five thousand products that can be made from industrial hemp. This is a representative list. You've got hemp oil and hemp nuts. Maybe you've gone into health foods, seen some hemp cereal, ground hemp seeds maybe you can put on your cereal. Hemp clothing has been around for a long time. There are even industrial building products and paper. There are vast uses for industrial hemp, and if you will study the history of this country and other countries, and more specifically in this country, hemp was grown as an agricultural crop from the beginning of this country. It was grown in Tennessee for many decades, and there is a history in this country and in this state of growing this crop and using it for a variety of purposes.

The U.S. Farm Bill of 2013, which was signed into law in February of 2014, section 76-06 of the U.S. Farm Bill defined industrial hemp as distinct from being from the hallucinogenic drug. Further, it authorized institutions of

higher education or state departments of agriculture in states where hemp is legal to grow hemp for research or agricultural pilot programs, to grow hemp for those purposes. So, this was authorized by the U.S. Farm Bill. I will say that over thirty nations worldwide grow industrial hemp as an agricultural crop. The main growers of industrial hemp are China, Russia, and South Korea. Canada has a large program nationwide of growing industrial hemp, and actually most of their exports of industrial hemp products come to the United States and are purchased here.

The Tennessee Industrial Hemp Act was passed in 2014, Public Chapter 916. It establishes a pilot program in Tennessee to be administered by the Department of Agriculture. If you want to be an industrial hemp grower, you have to get a license from the Department of Agriculture, and the department was also required to promulgate rules and regulations implementing this plan and those have been done and were effective in 2015. Licenses have to be issued. You have to be a Tennessee resident or if you have a corporation or a business, it needs to have an office in Tennessee or a presence in Tennessee. Industrial hemp that is grown and processed under the Department of Agriculture's pilot program is not a controlled substance under state law. If you are growing industrial hemp or any related plant, and you are not growing it under the department's program, then you are in possession of a controlled substance.

Now, there were barriers to this because in federal law all forms of marijuana regardless of the THC content, even three-tenths of a percent, are a controlled substance and controlled drug. So in order to possess the hemp, regardless of your state law allowing you to have an industrial hemp pilot program, the department still had to

get permission from the U.S. Drug Enforcement Agency. The USDA approved the department's application for that permit effective April 22, 2015, so we do have permission.

Here is a map, end of 2014, hemp year-end review., and you can see, it shows the states where their state legislatures have authorized a state pilot program under the Farm Bill. And you'll see three little leaves here, Colorado and Kentucky and Vermont, where hemp has actually been growing. I hope at the end of the 2015, hemp year-end review should show one of those leaves in Tennessee because there has been hemp crops planted and grown here this year. Now concerning our 2015 hemp program, we had glitches to work out. We had barriers to overcome. There were forty-nine industrial hemp licenses issued, including one to the University of Tennessee and one to MTSU. Of those forty-six licensees, seed was planted in thirty-eight counties, and 34,440 pounds of seed were purchased. That's a picture of just one palette of some of the seeds that we received in the department. Almost eleven hundred acres of seeds were planted. Now, I will say because of the barriers and the things that we had to do to set up this program in year one, the seed arrived very late. As I told you, we didn't get our DEA approval until the end of April.

We could not distribute any seeds because couldn't import them the state until we got that DEA approval. So by the time we got the seeds and then we got them distributed, it was very late and some planting did not occur until mid June or July, and so germination rates in this first year were low because of that. I will say that while there may be established demand and supply in a very established industrial hemp program and crop in other countries, in this country since it has not been grown or developed for decades, developing a viable market for industrial hemp will take some time and it may take

significant private investment. Currently, there are no hemp seed processors in Tennessee. So, again, in any kind of business that you're looking at, you'll always have a supply and demand, and while there may be some demand, and we're working on the supply, the market, we just don't know where that is now and it will take some time.

Now, I want to point out a significant typo I have in this slide, even though it was proofread several times. If you will please take your pen and correct the typo, it says, new applications will be accepted beginning April 1st. That should read that application acceptance will be ending April 1st. So we can't accept any applications after April 1st. If any of you are or any of your acquaintances or anybody you know that wants to get in and get an application in to plant industrial hemp for this year, please get it in before April 1st. We have quite a bit of information on the department's website. We have a couple of point people in the department who are the experts on walking people through this. They are very good at this. If you or anyone you know in the agriculture community are interested in an application to grow industrial hemp, please click on that website or call me and I will direct you to the correct person to help you with that.

Another topic is the Tennessee Agriculture Enhancement Program that is administered by the Department of Agriculture. It is a cost-shared grant program that began in 2006, and it is from direct appropriations from the General Assembly. Since 2006, the department has issued grants, cost-shared grants, in excess of \$106 million dollars, funding over thirty-seven thousand projects in the agricultural community statewide. It is not only a very popular program for farmers, but very beneficial. It aids farmers embarking on and beginning projects that they might not have been able to do without a

cost-share grant. The most popular one is hay storage. Hay storage farms remain the most popular cost-share grants that we issue. Other cost-share grant include grain storage, cattle handling equipment, feeding equipment, educational programs, expanding your livestock operation and even if you're interested in beekeeping. So it is a very beneficial and very popular program that the department administers. All right. I very much appreciate the opportunity to be here with you all and share just some of the information on the topics of food and food law and policy in Tennessee. Thank you.

MS. BOWLING: Well, I'm sorry. I told Rhedona and Theresa, take as much time as they wanted, since you all had already heard from me once today and you might not be ready for another turn, but I'm back. First of all, I do want to say thank you to Laura and the University of Tennessee Law School for hosting this seminar. As a UT undergrad graduate from the School of Agriculture here, it is very good to see the law school being supportive of agriculture in our state, and of these issues and having that put out to people in our community so you can learn about it and we share some of the things we've discussed.

You've heard from Rhedona on a lot of the legislative issues coming up in our state and what's gone on through there, and you've heard from Theresa, from the executive department, about what's going on in the Department of Agriculture and with the regulatory side. What I'm going to do here is go into a little bit of a litigation report. So, what's been happening in the courts on agriculture issues in Tennessee in particular, and what rulings have come down in the last few years in that area. Most of my information is your materials. I have left you what I would call just a bibliography of cases on

agricultural issues from the last three years that talk about some of the things we've looked at here.

The first one I do want to mention, as I mentioned earlier, the *Shore v. Maple Lane Farms* case. That was the Tennessee Supreme Court's first foray into looking at the right to farm law, and what is really interesting about that case is that when you look at the changes Theresa mentioned in the laws over the last couple of years that the Department of Agriculture supported and sent to the legislature for their consideration, those changes are pretty much directly what the Supreme Court said: here is what is missing in your law for us to look at these things, and that's what the legislature passed after that case. So, you know, what we see a lot of times is the Court will give us a result, and you then have certainty, you know what's out there. And that gives the legislature a directive for how to fix or change something if they want it to mean something else. So that case has been interesting in that it went up to the Supreme Court, they ruled. And then within, I think, six months of that ruling, the legislature then took that ruling and acted on it and made some changes to the law.

The Tennessee Court of Appeals considered another case in 2014 on the Right to Farm law. Actually, the case did not really do a whole lot with the law, but it does give a really nice description of how the law was passed, where it came, and some of the legislative history of the law. That case is *Curtis v. Parchman*, which was, as you will find in a lot of these agricultural law cases, a boundary dispute. In this case, one landowner had an easement across another landowner's property to get to theirs. The aggrieved party claimed that the farmer was preventing use of their easement, and that this was a nuisance because the farming prevented the aggrieved party from crossing over their easement. The farmer, obviously, raised the Right to Farm

law and said, hey, the Right to Farm law protects me from a nuisance suit. The Court of Appeals agreed, they said that the Right to Farm law would apply in that case, but the neighboring landowner raised a different claim other than nuisance, and that was impairment of and damage to an ingress and egress easement. The Court of Appeals said, lower court, you forgot this other claim here. You need to go back and look at that. So that case gives really good information on the Right to Farm law, but it's not really applicable there as they went back and looked at a different issue and raised another claim for the lower court to consider.

One case that the Tennessee Supreme Court ruled on is actually, what I would say, is a really big deal. Had they ruled a different way, they could have caused a lot of uncertainty in our state, and that is *Roberts v. Bailey*. Yet again, this all stemmed from a boundary dispute. In that case, it started as a boundary dispute. The two parties were trying to determine where the line was between their properties. Well, one of the two parties realized in the course of researching the old deeds, that there was a problem with their ownership of their tracts of land. What they discovered was way back in 1914 to 1918, the grandparents got the property. In Tennessee in those years, they are what we call the “gap years,” and this stems back to the laws regarding ownership for women. Before 1914, women were not allowed to own property as men did. The man could pass the property on and the woman did not have any rights in it. Well, there were laws passed that gave married women rights in property just as their husbands. And in Tennessee the law was passed, I want to say in 1914, and the Supreme Court ruled in 1918 on how it affected Tennessee property rights, and there were different views of how those laws acted. Tennessee's law, the Married Women's Property Act, eliminated tenancy by the

entirety and so the married couple owned property as tenants in common, which meant that when a husband died, his half passed. The wife owned her half, and then she could pass it at her death, or however she wanted to do it. So for those years, between passage of the act and the Supreme Court ruling, there were no tenants of the entirety in Tennessee, instead there were tenants in common for married people.

Promptly after that court ruling, I mean, within no time at all, the legislature said, whoa, that's not what we want. We want tenancy by the entirety so that people have the right of survivorship like they thought they did. So the only period of time in Tennessee history where this little glitch occurs is from 1914 to 1918 for people who purchased or became owners of property during that time. What could happen is if they were married, they did not have a tenancy by the entirety, they would have tenancy in common.

Well, in *Roberts v. Bailey*, the Baileys realized that the property, the farm that they had been operating, was property that had been purchased by the grandparents during those gap years. So in the course of this boundary line dispute, they realize, uh oh, our property that we've owned and operated as our farm for at least two generations was inherited at during the "gap years," and we are not the only ones who have an interest in the property under this old gap year issue. So they joined in the other people who they thought had an interest in the property, and tried to quiet title to the property. And said, hey, you know, we are sorry, we didn't know they had an interest, but we have used it for all these years. You know, we own it by prescription or adverse possession or some other grounds that we own it. These other people should not have an

interest. Let's quiet title it, and then we can finish our boundary dispute and everyone will be happy.

Of course, it did not work that way. As you can imagine, it morphed into an even bigger issue. The trial court ruled that these other family members, who inherited down the line, actually did have an ownership interest in the property. The trial court opinion goes through and what percent each party owns. I mean, it's very complicated at that point; there's thirty-three percent in this person and eight and half percent in this person. Now, granted, these gap years aren't very many years, but there are a lot of properties in Tennessee where the ownership of that property would come into question. That ruling was very difficult to stomach. In fact, the trial judge said, that if I had my way, I would be ruling for the Baileys because the Baileys have used this property and, we want certainty, but I cannot. The way this law is, I am going to have to rule for all these other people who have an interest in the property. As you can imagine, the Tennessee Supreme Court took up that issue because it had such wide range and potential to affect so many properties in Tennessee. They came down, as you would imagine, in favor of the public policy of Tennessee, in favor of quieting title and having title be certain.

The ruling was that the Baileys did own the property by prescription; they had showed their use for twenty years. These other family members who said, well, we didn't even know we had an interest in the property, we didn't know we needed to raise our interest in the property, the Court said that was not a disability that protected their statute of limitations. They should have known. They should have looked. They were not allowed to raise it at this time. So property is now settled. The decision has been made, and the Baileys were the owners of that property.

That case was of concern to a lot of people, especially in the farm community, but we looked at it from the Farm Bureau perspective. We had some people come to us and say, should you all be interested in this? Should you participate? And we had the same concern that I am sure lots of your clients would have. The concern being that we would have farmers and members on both sides of that issue. I mean we did not know who had bought property in the gap years and who did not. So we did not participate, and I think a lot of other farm organizations felt the same way about the case. I mean, it was a big deal, but we knew that we would have members on each side of that issue because there was no way to tell unless you went and did a deed search on every piece of property around to see what the history was. So I think everyone that was involved was grateful the Supreme Court came with a ruling that added some certainty on that ownership issue and would help people with that in the future.

Looking at some of the other cases that were interesting that have come out. Let's see, there was an eminent domain case out of the State of Tennessee. This was a Tennessee Court of Appeals opinion. It was *State v. Jones*. This involved a farm in Lawrence County, a dairy farm, and one of the things we love in Tennessee is that we do have great roads. We have a great road system, but one of the problems with having a great road system is they do get built. They get built oftentimes where there is empty, open land and that can be farmland. This particular road is a wonderful highway, Highway 64 that goes on the southern part of the state. It's a nice four-lane road. A great road to drive on, but unfortunately for Mr. Jones, it bisected his farm, and for a dairy farm that was a difficult problem because it bisected part of the operations where he managed the manure that comes from the dairy operation.

To move manure and to treat it, there had to be a way to get across that highway to do that. In the eminent domain action, he had an expert witness who showed the diminution in value to his property because of that bisection of the land and how much it diminished the value of his farm operation. The State took a different view of the diminishment of value, as they do in those cases because they're trying to pay the least amount they need to to get the property for the road system.

At trial, Mr. Jones' expert testimony was accepted and considered, and the jury returned a verdict giving him, I think, about two hundred thousand dollars for the diminution in value to the farm for the amount of land that was taken in that case. The State appealed. They argued that the amount owed should be more like forty thousand dollars. So we're talking a difference of about a hundred and fifty thousand dollars between what he got from the jury and what the State believed they owed. That went up on appeal, and then there was great concern for Mr. Jones because he had actually already been paid the funds. The concern was that the State would get those funds back if he lost on appeal. They were not held in escrow. That's one thing I never could quite figure out what happened and why they were not in escrow during the time frame. On appeal, the Tennessee Court of Appeals upheld the trial court's rulings. The court held that the testimony from the expert was admissible, it was allowed to be considered, and the jury verdict was upheld, so that case was not appealed further, and he was given the funds to help with the changes in his operation he had to make due to that road coming in.

An interesting case on business organizations, it goes back to kind of what I was talking about earlier with agritourism operations. One of the most important things

on the front-end is planning how you want the business to be set up. We had an interesting case in Tennessee, and I think it was a farm community. When we saw the hands of people who actually signed an agreement with their CSA, it was low. Well, the same thing happened with farm businesses in the partnership area. You will see lots of informal partnerships in the farm community. That's an area I think we as attorneys need to be watchful for and encourage people to do more planning and look at this. Extension can help us with this as well. What happens in a lot of these situations is you have people who have an informal partnership. There's agreement as to who's putting in what, how much money is each person, which property belongs to each person, and what happens when you break up and have a dispute over who gets what in the partnership.

In *Reed v. Thurman*, you have a father and son farm partnership. Father and son have been farming. Son has a girlfriend. And girlfriend, not a farm girl, is interested in the farm. She likes it. She starts helping out with some of the cattle operation. She and son live together, and they have a checking account together. She writes checks for some of the stuff on the account that they share, but not everything. Some of the money comes from other places. You can guess what happens when the inevitable occurs and they no longer are together, everybody wants their share of the partnership. So in that case, there was no partnership agreement. It was all informal. The Court ruled that the girlfriend was entitled to significant parts of the property from the partnership. So she got certain equipment. We're not talking copy machines; we're talking farm equipment. Some of the things that were disputed were hay rakes, manure spreaders. I mean thousands of dollars of equipment here, and she got some portion of that. She also got some portion of the checking account from

which her name was on and was an authorized signatory of. She had been writing checks for the partnership from that account so she got part of those funds.

That case is one that I would say is really important. When you're talking to people about those worst case scenarios and what can go wrong and why you need to be a little more formal with people that you trust and that you love is because of what can happen when things go wrong. It is a really good example of that. The case is *Reed v. Thurman*. The cite is 2015 WL 1119449. It is a 2015 Tennessee Court of Appeals case, so I would definitely take a look at that. If you want to wave something at somebody and say, this is why you need an agreement, that's a good one to do.

Another interesting case that I saw was on crop insurance. A lot of farmers use crop insurance not just as something to avoid risk, but it also helps them manage their income. The way the crop insurance program works in the U.S. is as a kind of hedge. You can have insurance where if prices do not get above a certain amount, you get at least a certain return on your investment, your crop. So it's a very, very good tool for farmers trying to protect their income and their crops.

In this particular case, it's *Dixon v. Producers Agricultural Insurance Company*, and it's out of the Middle District of Tennessee. In this particular case, the farmers, went to a meeting of tobacco growers, and they heard all this information about this crop insurance. And they thought, oh, well, I'm not eligible because I didn't grow tobacco for the last few years. The nice person from the insurance company said, oh, yeah, yeah, you are. If you've grown hay or any commercial product, you'll be eligible for this crop insurance. They said, oh, really, that's great, so

they bought it. They listened to it. Then their crop didn't do as well as they thought it would. They got paid from the insurance, payments to make up the loss. Then the lawsuit happened. The insurance company determined they were not entitled to coverage because they hadn't grown the crops they needed to at the time, and as you can imagine, that caused great angst and great problems for the farmers, so they sued. In that case, the insurance company was arguing that the suit was preempted by the federal law related to crop insurance. The farmers said, whoa, we've got state law claims here for misrepresentation. These people told us this policy would work; it would cover us. The Court ruled that these state law claims were not preempted by federal law and they could proceed forward with those claims. This one, I think, is an interesting case from the insurance perspective. It did give the farmers the opportunity to proceed with that case going forward.

Another case specific to Tennessee, and this is a pretty recent opinion, so I'm sure there will be appeals and further litigation on it, is relating to the *Tennessee Walking Horse Forfeiture*. What happened there, a trainer, not the owner of the horses, but a trainer was accused, and I do believe later pled guilty to some allegations of soring. The horses were seized from that operation against the trainer. This litigation involved the owners trying to get their horses back. The owners, who weren't there, they had sent their horses to the trainer's facility, they sued and moved to participate in the forfeiture proceeding to get their horses back. They said, hey, you know, we weren't the bad actor. We're not the one that committed the crime. We would like to get our animals back. They did their best to provide their proof of ownership of these particular animals. What happened in that case, the trial court granted the horse owners' motion to dismiss the forfeiture action and that would let the owners take the horses back, so that's what the did.

On appeal, the Court of Appeals went back and said, hold up, you didn't complete all the steps. They sent it back to the trial court because they said the trial court did not hold a hearing on the issue of standing. The authorities who had the horses had specifically raised standing as an issue that they wanted to be considered. They said, we don't know that these people are the owners, we don't know that they have standing to even bring this action. And so, the Court of Appeals, the case is not over, but it has been sent back for the lower court to consider the standing of these owners and make sure that these are the owners of the horses before they proceed that way. That case, a lot of people have been watching that. Because, you know, there is concern for people who have walking horses and that is a big industry in our state. When a trainer or bad actor does something, the owners don't want to lose the ownership of their animals because of that. So people have been watching that with some interest and concern, and we'll continue to follow that and see what happens in that litigation.

UNIDENTIFIED SPEAKER: What's the name of that one?

MS. BOWLING: That one is *In Re: Tennessee Walking Horse Forfeiture Litigation*. A really exciting title there. The cite in that is 2015 Westlaw, 1636704. That is from the Tennessee Court of Appeals. Another interesting boundary dispute, *The Haddad Family Partnership v. David Pouncey, et al.* In that one, it started, again, as a boundary dispute. It got even better because the two farmers started doing mean things to each other; destroying the crops that were built on the disputed property, spraying them, and cutting them down. So, you know, one would plant and the other one would do something to damage it. Then the other one would plant, and it went back and forth, so not the best situation there on that boundary dispute.

In that case, the trial court listened to all the evidence. There were expert witnesses on both sides as to where the deed said that the line was and what the difference was in the property. The trial court made a decision and also gave damages for the crops to the party who was the owner of the property. So the one who had done the damaging of the crops then did not want to pay that much, of course, on appeal. The Court of Appeals considered it and made some nice rulings on what the damage calculation amount is and how you calculate damages. So the party who was going to have to pay for these damages said, hey, wait, you know, there's some cost they didn't have to pay when they didn't have to harvest them and all this other stuff. The Court said, you didn't bring an expert. You didn't have anything else to show that, so, no, we're not doing any offset. The damages is the amount of the expected yield times the price of the commodity, minus the input cost, so that's what they determined the value of damages was, and that was upheld on appeal in Tennessee.

The last thing I want to mention, specifically in your materials, there are a couple of issues the attorney general's office has put out opinions on. And, you know, obviously, attorney general opinions are not the law, but they are an interpretation of the law by the state attorney general. They are persuasive authority and the courts do consider them when they're looking at what the law is. These particular AG opinions that are in your materials are interesting because there really aren't any court cases on those particular areas. What they concern is county zoning, what buildings qualify as incidental to an agricultural enterprise so that they're exempt from zoning. There's a rule and statute that residential buildings used by farmers and farm workers are incidental to the farm enterprise and they're exempt from the county zoning regulation, unless they fall into a narrow category of being near state federal-

aid highways, public airports and public parks. So if they're not near those things, within a certain specified distance of those things, they're exempt from zoning. That's kind of an interesting issue because with a lot of residential buildings, there may be certain fire codes and other rules that go with those. That exemption for farm residences could be helpful to farmers in those. There are two attorney general opinions on that.

Another AG opinion is on weight limits for farm trucks. One of the problems with a lot of farm operations is the roads out in those communities are often local county roads, but the crops being carried over them are heavy and may need large trucks and semis to move them. Some of the roads have weight limits, and that's a concern for farmers moving their products is, okay, can the -- the vehicle I'm using to move my product, can it qualify to drive on this road or am I going to be ticketed or in trouble for using that. That opinion in particular was looking at can a farm truck that transports poultry, does it qualify for a 10% exemption on the weight limit so that its weight limit can be plus or minus 10% from what requirement is in the law.

Now, the last one I want to point out was covered on beekeeping. I know we talked about that. The question was, does state law prohibit a homeowners association from having a restrictive covenant that eliminates beekeeping in that particular homeowners association community. The answer to that is, yes, the homeowners association can have a restrictive covenant to do that, to exclude that activity. But, obviously, they have to do that themselves, you know, that is not prohibited under state law, but there are protections in state law already for beekeeping that are there. The homeowners association may need to look at that before they enter that restrictive covenant. With that, I'm going to stop and we'll have a few

minutes for questions. And pretty much, since Rhedona's gone, all the questions I'm sure will be for her. We'll make sure to get those to her, but with that, if there are any questions, we'll be glad to answer them.

MR. WILLIAM MAZZOTA: Thank you. We have time for a few questions. So if anybody has some, kindly raise your hand.

UNIDENTIFIED SPEAKER: Question. I'm just wondering, this TAEP grant, is there anything in there available for mushroom growing? I mean, I didn't see anything. I mean, it's for the enhancement. Is there any sort of gray area?

MS. DENTON: You know, I cannot tell you from memory. They are a long list. I would invite you to go on the department's website. There's a link to TAEP and it has every application and all the guidelines. No, I've never been asked a question about mushroom growing, but there are -- it may come under just some general agricultural assistance. There are many, many categories and areas, so you may be able to fit what you're wanting into that.

UNIDENTIFIED SPEAKER: Okay. Thank you.

UNIDENTIFIED SPEAKER: This is more of a comment, but you commented on TAEP. I always like to tell that the initial funding or the initial program came from the tobacco settlement money. It was a program. That this is how Tennessee chose to spend the money to, you know, 10% or something like that, tobacco settlement money. It would go toward the transitions of farmers from growing tobacco into something else, and my compliments to the state because I've utilized the program and it does an excellent job. It's very practical. It is the most practical government program I've ever been involved in. Yes, they

do have safeguards and they do check up on you. So it's not totally a free-for-all, but they've done an excellent job and really has enhanced a number of things in the state.

MS. DENTON: Yeah, I would like to stop on that. Thank you for that. There are safeguards built into the system. They have spent a lot of time in trial and error and working on (inaudible) and verification. They want to make sure that this grant money is being used for what it is being used for, or what it was issued for.

UNIDENTIFIED SPEAKER: Oh, absolutely.

MR. KELSIE JONES: I wanted to mention one thing Rhedona alluded to about property (inaudible) tax areas where farming is concerned. And the single most sensitive area is the greenbelt program continuing eligibility where there's a transfer of the property and rollback taxes. Rollback taxes are probably the most significant property tax trap in state law because there are statutory liens, but there's nothing recorded. If you represent anyone who owns a farm or other property that's in the greenbelt law and they're trying to plan out how things play out, take that into account. Take a look at the greenbelt statutes; call the folks at the comptroller's office who are connected with property tax administration. I'm one of them.

Also, to my left is Stephanie Maxwell, who is general counsel at the division of property assessments, which tries to, you know, help assessors and taxpayers understand that law, So if you think you'll be dealing with a client to find a plan for rollback liability or make sure that it's properly addressed when there's a transaction involving farm property, please feel free to call us. As one of the earlier speakers said, it's so much better to catch that stuff upfront than to try to deal with it later, so. Thank you. Just

wanted to mention that.

MR. WILLIAM MAZZOTA: Anyone else? I don't guess. All right. Well, we can break a few minutes early for lunch. I want to remind all of you that lunch is for paid registrants only, but there are plenty other dining options available to you. We will be starting back exactly at 1:00 p.m. We don't want to get behind on our schedule. So, thank you.

