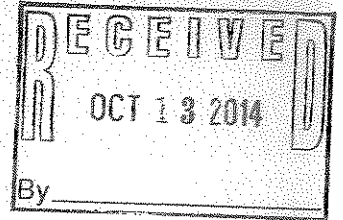


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OCTOBER 2014

*As we express our gratitude,
we must never forget that
the highest appreciation is
not to utter words, but to
live by them.*

John F. Kennedy



**Northern
Kentucky
Bar
Association**

USEFUL SOURCES FOR AGRICULTURE LAW

Jane Underwood ¹

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The Northern Kentucky Bar Foundation (NKBF) is grateful to generous donors who help continue its mission "to promote the administration of justice, to educate the public about the importance of law in their daily lives, and to enhance the image of the legal profession in our local community."

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According to the U.S. Department of Agriculture, in 2012, Kentucky farms were ranked 25th in farm contributions to the state economy. As any attorney with rural clients knows, legal issues with farms are not just dealing with tobacco and alfalfa. Farmers and their attorneys view the operation through the legal maze of taxes, estate planning, fencing, agritourism and the right to farm.

Several books in the Chase Law Library may be of interest to those advising clients with farming interests. Glenn A. Price, Jr. & Richard V. Murphy, Land Use and Zoning Law in Kentucky (4th ed. 2011) (Chase Circulating Collection, KFK1658 .P74 2011) should answer many land use questions. The UK CLE publication Advising the Closely-Held Business in Kentucky (2012) (Chase Circulating Collection, KFK1410 .A38 2012) discusses the formation of limited liability corporations, wealth transfer and the effect of divorce on a closely-held business. Harl, Reporting Farm Income, Tax Management Portfolio No. 608-3rd (Chase Loose-Leaf Collection) describes the tax accounting periods and methods available to farmers and ranchers in determining their federal tax liability.

Journals are often useful when researching in depth treatment of subjects. The San Joaquin Agricultural Law Review has posted issues with the full text of the articles (<http://www.sjcl.edu/index.php/law-review/volumes>). Issues may be located through the Hein Online database at Chase Law Library. The Drake Journal of Agricultural Law also posts past issues complete with the text of the article (<http://students.law.drake.edu/agLawJournal/>). The spring issue covers the Agricultural Law Symposium & Meeting of the American Agricultural Law Association. Issues may be found at Chase Law Library under the call number K4 .R2 and through the Hein Online database. Kentucky Journal of Equine, Agriculture, & Natural Resources Law does not post articles from the

journals, but does produce a blog covering recent developments in agriculture and equine law (<http://www.kjeanrl.com>). Issues may be found at Chase Law Library under the call number K11 .E648 and through the Hein Online database.



To easily locate articles in other journals, the American Agricultural Law Association: <http://aglaw-assn.org/> publishes a quarterly bibliography on agricultural law. The bibliography for the 1st quarter currently is available (<http://aglaw-assn.org/2014/05/agricultural-law-bibliography-1st-quarter-2014/>). The National Agricultural Law Center (<http://www.nationalaglawcenter.org>) has a very extensive Agricultural Law Bibliography (<http://nationalaglawcenter.org/ag-law-bibliography/>) which also includes the text of the article. Users may browse the bibliography.

Universities with strong agricultural law centers have written state guides on various topics, compiling the state statutes on topics such as right-to-farm, agritourism, and fence law. The National Agricultural Law Center has collected and posted these guides on the "state compilations" page (<http://nationalaglawcenter.org/state-compilations/>). Click on the state map to access the guides for Kentucky, including States' Agritourism Laws: Kentucky (<http://nationalaglawcenter.org/wp-content/uploads/assets/agritourism/kentucky.pdf>), Statutory Agricultural Lien Rapid Finder Chart: Kentucky (<http://nationalaglawcenter.org/wp-content/uploads/assets/agliens/kentucky.pdf>), States' Fence Laws: Kentucky (<http://nationalaglawcenter.org/wp-content/uploads/assets/fencelaw/kentucky.pdf>) and States' Right-To-

Farm Statutes: Kentucky (<http://nationalaglawcenter.org/wp-content/uploads/assets/righttofarm/kentucky.pdf>). The Center has gathered a list of research sources by topic (<http://nationalaglawcenter.org/research-by-topic/>). Each topic contains a comprehensive list of current electronic resources for a particular agricultural or food law topic. Links are provided to major statutes, regulations, case law, Center-published research articles, government publications, Congressional publications, and other research resources. Each topic includes an overview article providing a thumbnail sketch of the history and development of that subject. The usual agricultural topics are covered, but additional topics include administrative law, commercial transactions, estate planning and taxation, secured transactions, and landowner liability.

The Kentucky Department of Agriculture (<http://www.kyagr.com>) provides information for consumers and farmers on Commonwealth services, initiatives, and programs. The Department of Agriculture lists its programs under "Animal & Plant Programs," "Regulatory Programs" and "Promotional Programs," making it easy to link to the exact resource needed. Tabs link to "Licensing & Laws," and "Forms."

Under "On-line Services" is the Staff Directory, complete with name, division, email and phone (<http://www.kyagr.com/apps/staff.aspx>). Many residents of Kentucky have served in the military. The Kentucky Proud marketing program was the first state to develop the Homegrown by Heroes program (<http://www.kyagr.com/marketing/homegrown-by-heroes.html>). The program helps veterans develop careers in agriculture through collaborations of the agricultural and military communities. Homegrown by Heroes was recognized by the federal government as an innovative program based upon the Kentucky's efforts.

The web site extension is an interactive learning environment delivering the most researched knowledge from major

land-grant university faculty. Extension hosts the Agricultural and Food Law Resource area (http://www.extension.org/ag_law). Estate planning, agritourism, and business organization are among the topics covered. "Ask the Expert" lists trending questions. Recent topics include costs of the right of way concerning a water easement, and ways to lessen farm odors disturbing surrounding neighbors.

The National AgLaw Reporter (<http://nationalaglawcenter.org/aglaw-reporter/>) is a regularly updated electronic newsletter dedicated to reporting developments of interest to the agricultural and food law communities. Case Law Indexes are comprehensive subject-based compilations of reported and unreported federal and state court decisions. State Law Clearinghouse is a compilation of all state statutes that exist in specific topics of agricultural law. The U.S. Department of Agriculture Judicial Officer Decisions database on the National Agricultural Law Center site includes the text of all major decisions rendered from January 1, 2002. Summaries of decisions and rulings rendered from 1971 through 2011 are published on the U.S. Department of Agriculture Office of the Judicial Officer (<http://www.dm.usda.gov/ojo/>).

Blogs are a good way to keep up with fast moving topics. Agricultural Law is the official blog of the Section on Agricultural and Food Law of the Association of American Law Schools (<http://aglaw.blogspot.com/>). Ag & Food Law Blog (<http://www.agandfoodlaw.com>) provides a comprehensive news, research, and information resource on agricultural and food law for the agricultural community. The Ag & Food Law Blog is provided as a partnership of the National Agricultural Law Center (<http://nationalaglawcenter.org>), a leading source of agricultural and food law research and information, and the American Agricultural Law Association (<http://aglaw-assn.org>). The Kentucky Waterways Alliance publishes What's

Flowin' (<http://kwalliance.org/category/whats-flowin/blog/>) dealing with issues agricultural pollution of the Mississippi River basin and the Ohio River valley. Recent coverage included chemical and ash pollution of the Ohio River. The Rural Blog (<http://irjci.blogspot.com>) is a digest of events, trends, issues, ideas and journalism from and about rural America, by the Institute for Rural Journalism and Community Issues, based at the University of Kentucky. Recent posts concern toxic algae growth due to high levels of phosphorus in watersheds

Midwest, and the issue of Roundup-resistant weeds.

Statistics on farming and agriculture may be easily found on both the state and the national level. The U.S. Department of Agriculture, National Agriculture Statistics Service (<http://www.nass.usda.gov>) compiles the Census of Agriculture; the Statistics Service lets the user choose the data sets to create a customized chart. Statistics by State: Kentucky (http://www.nass.usda.gov/Statistics_by_State/Kentucky/index.asp) and Charts and Maps by Commodity (http://www.nass.usda.gov/Charts_and_Maps/index.asp) are two other data sets to use when researching for clients. The Environmental Protection Agency has a page of laws and regulations pertaining to agriculture (<http://www.epa.gov/agriculture/law.html>). Kentucky is in EPA Region 4 for Agriculture (<http://www.epa.gov/region4/agriculture/index.html>). For more facts and statistics, don't forget to check with the Kentucky Farm Bureau's publication Kentucky Agriculture Facts (<https://www.kyfb.com/media/files/fed/homepage/2013/CommodityBooklet.pdf>).

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