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Veterinary Technician or Veterinary Nurse

Issue

In 2018, legislation was filed in Tennessee to change the name of the profession traditionally known as “Veterinary Technician” to “Veterinary Nurse.” The measure did not pass but is expected to come up again in the future. Proponents of the change believe the change better acknowledges the true nature of the job requirements. Similarly, proponents believe this would attract more people into an industry with a growing need for these professionals. The bill established minimum education requirements to earn the title Veterinary Nurse. The opponents of the name change were medical nurse associations. Their main concern was if another industry used the name “nurse,” it would diminish the standing of the medical nurse profession. Additionally, the term “nurse” is currently only used in the human medical profession in the United States.

Background

The National Association of Veterinary Technicians in America (NAVTA) has started the “Veterinary Nurse Initiative” which aims to establish a single and standard title to a profession historically known as veterinary technicians and change the name to veterinary nurse. The initiative also includes establishing a national standard of credentialing for veterinary technicians/nurses. Began in 2016, the initiative has a proposed timeline of 5 to 10 years to enact law changes in all 50 states to match the effort. The main objective is for each state to have the same credential procedures and education requirements in order to attain the title veterinary nurse. Currently, there are varying credentialing requirements in each state, with some having no procedure at all. The belief is the initiative, if successful, will elevate the understanding of roles and responsibilities of veterinary technicians/nurses.

Tennessee currently has a licensing procedure for veterinary medical technicians. The license requirements are:

- An application submitted to and approved by the Tennessee Board of Veterinary Medical Examiners
- Graduate from a veterinary technology program approved by the American Veterinary Medical Association
- Pass an examination
- Provide proof of good moral character, which is determined by the Tennessee Board of Veterinary Medical Examiners
- Pay applicable fees

This initiative came to Tennessee in 2018 with the filing of SB2154/HB2288. The legislation would have renamed veterinary technicians to veterinary nurses in the state. The bill also required a new rule making process for the establishment of the licensing procedure for veterinary nurses. HB2288 passed the House Agriculture and Natural Resources Committee but was taken off notice in the House Government Operations committee after the bill was assigned to the General Subcommittee of the Senate Energy, Agriculture, and Natural Resources committee; effectively killing the bill for the General Assembly. Proponents promise to bring similar legislation in future legislative sessions.
The main opponents of SB2154/HB2288 were medical nursing associations who strongly opposed the bill. According to the Tennessee Nurses Association:

- The title registered nurse has always been linked to the provision of care to humans.
- The Registered Veterinary Nurse initiative would undermine the title “Nurse.”
- There should be transparency of those who provide care for human beings and those who care for other forms of life and the title nurse should remain distinctive.

At this point, Farm Bureau is not aware of any state that has passed similar legislation to change the name from veterinary technician to veterinary nurse.

**Questions**

1. Does your community lack veterinary services for large animals?
2. Does changing the name from technician to nurse raise the status of the profession?
3. Would more young people being willing to go into veterinary medicine with the title of veterinary nurse, rather than technician?
4. By using the name “nurse” does it diminish the title for human medical nurses?
5. Should veterinary technicians be called technicians or nurses?
6. Should TFBF take a position on the name change?
7. TFBF Policy does not address veterinary technicians at all, should it? If so, how?

**Farm Bureau Policy**

**Veterinary Services (Partial)**

Veterinarians specializing in large animal practices are an economic necessity for a strong livestock sector for Tennessee agriculture. To ensure the profitability of a livestock operation, farmers need strong, healthy animals. Large animal veterinarians help livestock producers stay abreast of and have access to the latest technology available in large animal care. We encourage the University of Tennessee School of Veterinary Medicine to emphasize the need of large animal practitioners to both current and potential vet students. We encourage the development of a four-year undergraduate veterinary practitioner degree at the University of Tennessee. This program would be a joint effort of the College of Agriculture Animal Science Department and the College of Veterinary Medicine. Veterinary practitioners would work under the supervision of a licensed veterinarian. Laws and regulations pertaining to veterinary practices should not discourage or inhibit large animal practices.

A distinguishing definition of acceptable livestock management practices as opposed to veterinary medical practices is needed to avoid unnecessary conflict between the veterinary community and the farm community. We need and depend on one another. Everyone wins if responsible, proper, safe, cost efficient, animal care is made the top priority. We encourage the Tennessee Veterinary Medical Association (TVMA) to caution large animal veterinarians about the impact of increasing drug costs on the producer and the veterinary practice.
Sustainability Projects in the Supply Chain

Issue

The retail sector is becoming more involved in the production practices of farmers. This trend is taking place across all sectors of food and fiber production. While the farm community has been able to stall governmental regulatory actions through political engagement, it will be very difficult to influence the retail sector’s demands on the supply chain. The retail sector believes they must implement sustainability projects to meet consumer demands regarding environmental effects of the products sold in their stores. This trend will only increase, and farming practices of the future could be dictated by the retail sector.

Background

Sustainability is an ambiguous word being used in a wide variety of ways relative to protection of the environment. In the highly competitive retail sector, businesses of all types have established sustainability goals in an effort to meet what they consider consumer demands. These businesses believe the consumer wants products on the shelves to be sourced, manufactured, packaged and sold sustainably.

This trend is not new. The grocery and restaurant sectors have implemented similar approaches regarding animal welfare. The multinational size of many retail establishments today allow this sector to exert a major influence over suppliers on a wide range of issues. Wal-Mart along with other multinational companies such as Amazon, Kroger, and Costco have implemented sustainability programs for their buildings, logistics, and other physical infrastructure under the companies’ direct control. The focus is now shifting toward the supply sector that produces the products sold in stores. Along with an annual financial report, these companies now provide stockholders with an annual report on sustainability goals, humane treatment of animals, and labor conditions of workers in the supply chain. Companies in the wholesale sector have also developed their own sustainability programs to meet consumer demands and demands of the retail sector where their goods are sold. General Mills, Kellogg’s, Kraft Foods, Mars, Nestlé, PepsiCo, and Unilever are just a few of the multinational processors with sustainability programs covering a wide range of activities.

The world population is expected to increase to approximately 9 billion people by 2050. This statistic is viewed by these companies as an economic opportunity but also as a challenge. The U.S. farm community also believes this statistic is an economic opportunity as well as a challenge. However, as the U.S. farm community is working toward this goal through the traditional means of research, development, and education, the retail and wholesale sector is working toward the same goal by requiring their sustainability standards be implemented by the supply sector. This has positives and negatives. For example, Wal-Mart employs over 2.3 million people around the world with revenues exceeding $500 billion. More than half of Wal-Mart sales come from the U.S. grocery sector which has total sales of the $700 billion. Wal-Mart has the ability to influence production standards in developing nations that do not have the same conservation, animal welfare, food safety and labor standards as the U.S. However, for products sourced in the U.S. these requirements can restrict and/or counter environmentally and economically sound production practices.

Non-governmental organizations such as environmental and animal rights groups have influence on the retail and wholesale sectors. There is a fine line between genuine consumer demand and the agendas of these groups. Many groups have shifted focus from the government regulatory route to the corporate stockholder route for their policy goals. This trend has established a niche consortium of global sustainability groups advising corporations how to: 1.) build
sustainability programs for their company, and 2.) implement those strategies throughout the supply chain. Many of these groups do not collaborate with stakeholders in the agriculture sector such as land grant universities.

The agricultural sector is becoming more engaged. In 2006, the Keystone Policy Center convened a group of interested stakeholders across the agriculture supply chain. This group became known today as Field to Market. Field to Market was established to bring together the various perspectives on sustainability and develop a science-based approach to sustainability. One of their areas of focus is building trendlines proving how the U.S. farm sector is naturally advancing sustainable practices through new technology and systems common on today’s farms. In 2013 this group became an independent organization and soon after opened headquarters and hired staff. American Farm Bureau Federation along with most commodity organizations and numerous agriculture industries are members of Field to Market. More information on Field to Market can be found at www.fieldtomarket.org.

Proving sustainable outcomes in the agriculture sector will not go away. The future of farming in the U.S. will include proving to consumers that food and fiber is grown sustainably. The uncertainty will be what standards farmers need to achieve in order to be classified sustainable. One example of this uncertainty reaching the farm level is Tyson’s recent announcement that 2 million acres of corn purchased by the company for poultry feed will be certified sustainably produced by 2020. This process will involve a third-party organization certifying the farmer produces the corn according to their sustainability standards.

There are positives that could be achieved through this process. Tennessee producers can compete for quality and quantity with other farmers from around the world. If consumers want transparency and reassurance their food and fiber is produced sustainably then Tennessee farmers have a competitive advantage around the world. Also, with the world population requiring more food and fiber using more natural resources, these programs could force other nations to protect their production capacity which helps ensure global stability politically. It also will drive advancements in research and development which benefits all producers.

Questions

1. Do you believe these programs will be positive or negative for Tennessee’s farm community?
2. Are most farmers prepared for the supply sector becoming engaged in their farm operation and how they produce food and fiber?
3. Farm Bureau is influential on the governmental level regarding environmental restrictions. How and to what level should Farm Bureau become involved in these supply sector sustainability programs?

Farm Bureau Policy

Environmental Protection (partial)

Farmers have a deep and abiding interest in protection of the environment based upon philosophical beliefs, and also practical self-interest. Environmental regulations, whether by air, water, noise or visual standards, should recognize the essential nature of efficient and safe use of organic matter, pesticides and fertilizers as a basic and natural part of agricultural production.

Such groups are increasingly becoming a voice on policy matters regarding environmental and economic concerns. We express “caution” as others propose ways to “protect” the land and resources owned by farmers. We encourage all farmers within the region to listen, evaluate and communicate with such groups and their local Farm Bureaus and TFBF on issues related to policies and activities of such groups.
Lab Grown Meat

Issue

For years scientists at startup and established food companies have been working to develop a meat substitute in labs that looks and tastes just like meat from livestock. Though some are plant based products, much of the research has gone into growing meat cells from very small amounts of cells which originated from livestock. Products have been produced that simulate beef but did not go through the traditional cattle grow and harvest practices. Initial costs have been high to develop these products, but the costs of production have continued to decrease. The main discussions around this technology are what to call this new sector of products and who should regulate it. This budding industry is seeking a name such as “clean meat” whereas some in the traditional agriculture sector suggest “in vitro meat.” Both sides of the issue have other suggestions. The Food and Drug Administration has thus far claimed jurisdiction of regulatory oversight, but the USDA has signaled interest due to the department’s jurisdiction over plant based biotechnology. Once perfected, lab grown meat could be a huge disruptor to the current livestock sector.

Background

Scientists have been culturing meat in labs for years with the precise methods varying between many different companies venturing into this sector. The goal is to grow meat cells from very small amounts of cells which originated from livestock and taste just like the real beef, pork, chicken, etc. So far scientists have only successfully grown beef, but researchers are currently working on other lab grown meats as well.

Procedurally, scientists take specific types of cells once in livestock, and then activate the cells to start growing and reproducing as if the cells were still in a live animal. The scientists feed the cells nutrients by providing salts, sugars, and proteins. This process mimics what cells are constantly doing in living animals but is taking place in a laboratory.

Supporters of the science are embracing “clean meat” to describe the product. Other ideas of what to call the product by supporters include cultured meat, meat 2.0, safe meat, and pure meat. Opponents of the product question whether the product should even be called “meat,” much like the effort to not use term “milk” for non-dairy products. Opponents suggest terms like lab grown protein, meat byproduct, in vitro meat, or synthetic meat.

The Food and Drug Administration has thus far claimed jurisdiction of regulatory oversight, but the USDA has signaled interest as well. The FDA currently evaluates microbial, algal and fungal cells generated by large-scale culture and used as a direct food ingredient. This is their basis for claiming jurisdiction over the regulation of lab grown meat product. The USDA has expressed interest due to the department’s jurisdiction over plant based biotechnology and regulatory oversight of meat and poultry inspections which are the sole purview of USDA. Ultimately Congress may have to intervene to decide jurisdiction.

Questions

1. What should lab grown meat be called?
2. Should FDA or USDA have regulatory oversight?
Food Safety (Partial)

The United States food supply is the safest, highest quality, most abundant and most affordable in the world. Farmers recognize a safe food supply is important to the integrity of the agricultural industry but most importantly to the well-being and health of the consumer.

With changing technology, the process of maintaining a safe product from the field to the table can always be improved. Policies and procedures that build trust and reliability in agriculture should reflect the latest in technology and research. Regulatory oversight should not impede the farmers’ ability to produce. The risks versus the benefits should be considered in any food safety legislation or regulatory proposals. On-farm authority of government agencies should not be expanded. A trace back system should only be used to find and address the point of contamination, rather than simply be a punishment for producers and add costs. Quality assurance programs, research from agricultural colleges and education of food handlers throughout the food supply chain should take priority over expansion of the regulatory process. Increased costs to producers from on-farm inspections and standards should be a last resort of any legislative or regulatory initiative to improve food safety.

We oppose the legalized retail sale of raw milk of any kind in Tennessee.

Imported agricultural food products should meet the same sanitary and quality standards as domestic products and should be labeled by country of origin.

We are opposed to granting mandatory recall authority over meats to the USDA. USDA’s current authority is quite sufficient to safeguard the wholesomeness of our meat supply. In the event of a produce recall by FDA, all efforts should be made to identify the source before any media release. Thresholds should be established to minimize negative impacts on producers.

Integrity in food labeling is a vital element in maintaining food safety. Food labeling requirements should remain a function of the federal government. We oppose separate state level labeling requirements of foods sold through interstate commerce. We support consumer friendly, science based labeling of agricultural products providing consumers with useful information concerning the ingredients, nutritional value and country of origin. Labels should not be required to contain information on production practices not affecting nutrition or safety of the product. Agricultural products produced using approved biotechnology such as GMO, GE, etc. should not be required to designate individual inputs or specific technologies on the product label. We oppose misleading labeling statements such as “bST Free Milk” implying food produced using certain production practices is superior and safer than food using other approved production practices.
Online Sales Tax

Issue

The U.S. Supreme Court recently ruled states may require online retailers to collect sales tax. The case, *South Dakota vs. Wayfair (2018)*, changed the standard previously set by the Court in the *Quill Corp. vs. North Dakota (1992)* case which required a retailer to have a physical presence or employees in a state before the state could require collection of sales tax. Many states, including Tennessee, anticipated this ruling. In the last legislative session there was much discussion about the process and how to use the additional revenue resulting in online sales tax collections. It is estimated Tennessee loses $450 million in revenue from online sales. What to do with additional revenue, along with changes that will need to be implemented to comply with the Court’s standards for collecting sales tax will also be issues in the next legislative session.

Background

Collecting online sales tax has been an issue for state governments across the nation, especially states highly dependent on sales tax such as Tennessee. Collecting sales tax from out of state purchases is not an new issue even though online retail sales through the internet is relatively new. Purchases from catalogues and physical purchases out of state occurred before the internet. Most states have a use tax which is a counterpart to the sales tax. It is applied when something is purchased in another state and brought into Tennessee for use or consumption if the Tennessee sales tax is not paid. Forty-five states that have a sales tax law also have a use tax. From a practical standpoint, the use tax is paid based on the honor system. Many consumers do not pay this use tax from online, catalogue, or other types of sales.

The proliferation of online sales prompted a national effort called the Streamlined Sales and Use Tax Project. States across the nation started the project to simplify and modernize administration of state and local sales and use tax laws. Tennessee became involved early in the process and has been an associate member of the governing board since 2005. Tennessee passed legislation in 2007 bringing the state in compliance with the Streamlined Sales and Use Tax Agreement (SSUTA). The SSUTA implemented uniform definitions, registration of farmers in order to receive agriculture exemptions, a centralized registration system, and centralized service providers to collect out of state taxes. This legislation made numerous changes to the administrative process for collecting sales and use tax in Tennessee. The effective date of the legislation has been extended numerous times in anticipation of changes on the federal level or a court decision which would allow collection of sales and use taxes across state lines by retailers using the SSUTA. The only major provisions already in effect are the farmer registration provisions. The last change in effective date was from July 1, 2017 to July 1, 2019.

*Quill Corp. vs. North Dakota (1992)*

The *Quill* case involved mail order sales and whether North Dakota could require the out of state retailer to collect North Dakota’s sales tax. The U.S. Supreme Court declared, “[t]he Due Process Clause ‘requires some definite link, some minimum connection, between a state and the person, property or transaction it seeks to tax, and that the ‘income attributed to the State for tax purposes must be rationally related to ‘values connected with the taxing State.’” This
basically required the retailer to have a physical presence inside the state in order to satisfy the law of due process. This meant the retailer must have substantial enough activities in the state to justify the fairness of a state having jurisdiction over the retailer. The Commerce Clause also came into play in this ruling. The Supreme Court believed a physical presence in the state was a “bright-line rule in the areas of sales and use taxes...”. The ruling allowed states to require collection of sales and use taxes from retailers with a physical presence such as Tennessee. For example, when Amazon built a warehouse in Tennessee, Amazon’s physical presence allowed Tennessee to require collection of taxes from Tennesseans for online sales.

South Dakota vs. Wayfair (2018)

South Dakota passed a law in 2016 that required out of state retail sellers to collect sales tax just as if the seller had a physical presence in the state. The obligation was only if the seller annually delivered more than $100,000 of goods or services or engaged in 200 or more separate transactions to the state. This case was ultimately heard in the U.S. Supreme court where the Court held that the Quill case was flawed. It ruled the physical presence rule is not a necessary interpretation. Procedurally, the case was remanded which means the issue is not completely resolved. However, the court believed South Dakota’s standards of $100,000 of goods or services or 200 or more separate transactions to the state would be constitutional. This allows states to implement similar standards as South Dakota.

Tennessee Rule 129

The Tennessee Department of Revenue changed their regulations, specifically rule 129, to require out of state dealers to begin collecting sales tax for the state of Tennessee by July 1, 2017. Tennessee’s rule 129(2) set minimum requirements much like South Dakota in order to establish a significant economic nexus between the dealer and Tennesseans. The minimum standard in rule 129 was $500,000 in sales to Tennessee customers in a twelve-month period.

Before the rule could become effective, a suit was filed against the state called American Catalog Mailers Association v. Tennessee Department of Revenue based on Quill case. An agreed order restricted the department from implementing rule 129 until the court made a final judgement. The Tennessee legislature also became involved and passed legislation prohibiting the department from collecting sales tax under rule 129 if allowed by a court ruling. The ruling must be reviewed and approved by the General Assembly.

The Wayfair case changes the dynamics surrounding rule 129. It is not clear how the current court case will progress, but Tennessee’s standards are relatively in line with South Dakota’s standards. Also, the SSUTA between states will further facilitate adherence with the Wayfair case and allow states to take advantage of the ruling.

Other issues

Tennessee has over 400 taxing jurisdictions. Today out of state companies can choose to collect sales tax under Tennessee law by paying a flat rate sales tax of 9.25%. Under the current law, the state decides where the 2.25% from out of state sales tax is allocated. Ninety two percent of the tax collections go to city jurisdictions based on current sales tax collections in those cities. Therefore, cities with large scale retail activity receive the bulk of out of state sales tax funds allocated to local governments. If the streamlined sales tax system is allowed to become effective, this flat rate allocation would go away and the out of state business would be required to pay the local jurisdiction tax rate.

Questions

1. Do you believe Tennessee should collect sales and use tax from online and other out of state sales? 
2. Should the minimum standard be reduced to the South Dakota standard? 
3. Should Tennessee offset new revenues from out of state collection of taxes with tax reductions for Tennesseans?
Farm Bureau Policy

State and Local Taxes (partial)

Sales tax remains a major dependable component of revenues for local governments. Particularly for rural counties, the sales tax on staple items is a main portion of their sales tax base. We oppose the shifting of the state shared taxes away from local governments. As rural residents make purchases in urban areas, their sales tax dollars are distributed there as well. The sales tax distribution formula needs to be adjusted to allow a portion of the dollars to be allocated to the home area of the purchaser.
Water

Issue

Governor Bill Haslam and the Tennessee Department of Environment and Conservation (TDEC) have established an effort to develop a water plan for the state. This initiative is known as TN H2O and is being coordinated by an appointed steering committee of leaders from federal, state and local governments, industry, academia, environmental advocacy groups and public utilities to develop a statewide plan for future water availability in Tennessee. Jeff Aiken, President of TFBF, serves on this steering committee. The TN H2O steering committee, which was established in January 2018, is charged with submitting the report to the governor by October 2018. A major concern voiced in many discussions around the TN H2O meetings has been that agriculture is not required to report water usage in Tennessee law. Often in water cases, historical usage is the key to the court allotting future usage of water between the parties. Because the state does not require water reporting for agriculture, a historical usage precedent is not available. Farm Bureau policy supports continuing the exemption of water reporting for agriculture.

Background

Tennessee’s population is estimated to double in the next 50 years according to TDEC. This estimated growth and other concerns prompted leaders within TDEC to initiate a process to develop a water plan for the state. Tennessee does not currently have a water plan, and of the states that immediately adjoin the state, all but Mississippi have a water plan. A state water plan assesses current water resources and makes recommendations to state leaders regarding the needs of the population, natural resources, industry, and agriculture. TN H2O aims to encompass surface and groundwater resources, water and wastewater infrastructure, water reuse and land conservation, as well as institutional and legal frameworks.

Along with increased population growth, other concerns highlight the need for a state water plan. Among those concerns are droughts that have impacted numerous Tennessee communities, failures of aging drinking water and wastewater infrastructure, utilization of the Memphis Sands Aquifer, and interstate battles over water rights.

In 2016, a drought forced water utility districts in various parts of the state to implement forced or urged conservation efforts. This resulted in approximately a dozen water districts executing certain restrictions such as bans on washing cars and watering lawns. Many water districts looked for backup water supplies and alternate distribution models in times of drought.

In 2018, the Georgia General Assembly passed a resolution that would form a delegation to negotiate the border with Tennessee for the sole purpose of accessing water in Nickajack Lake, a part of the Tennessee River system. According to Georgia’s claim, the border between the two states was misdrawn in 1818 when surveyors established the border about one mile south of the 35th parallel, where Congress intended the border to be when Tennessee joined the Union in 1796. By moving the border north, Georgia could access water from the Tennessee River to meet ever growing demand in and around Atlanta. The Georgia General Assembly has passed several resolutions in history to renegotiate the border which all have gone unreciprocated by Tennessee. Georgia would actually have to take Tennessee to the US Supreme Court to officially dispute the claim.

The state of Mississippi has filed a lawsuit against the state of Tennessee over the matter of water usage. The water use in the city of Memphis, Tennessee is the motivation of the Mississippi and Tennessee lawsuit. The Memphis Sands Aquifer serves as the main source of drinking water for many residents of Memphis. The state of Mississippi claims 30% of water being pumped from the aquifer resides under their state. They believe Mississippi should hold rights to the water. Because
of this, Memphis and the state of Tennessee are at risk of losing several hundred million dollars in damages to Mississippi. This case is currently pending consideration under the US Supreme Court of the United States. It is up to the Supreme Court to determine if the aquifer is or is not an interstate resource. If the aquifer is interpreted as an interstate resource, Mississippi would be entitled compensation for the damages caused by the city of Memphi. However, this monetary amount could not be awarded to the state of Mississippi until there has been a proper apportionment between the two states involved.

The Memphis Sands Aquifer has also been the center of a controversy within the state’s borders as well. The Tennessee Valley Authority (TVA) made plans to use water from the Memphis Sands Aquifer to cool a new natural gas plant in the city of Memphis. After public outcry, TVA scrapped the plan to drill into the aquifer and instead use water from Memphis Light, Gas and Water. This public outcry also brought new found interest in regulating water use from the Memphis Sands Aquifer. In 2017, two bills were filed regarding the Memphis Sand Aquifer. One bill would have established a Memphis Sands Aquifer Regional Management Board to govern water use in the Aquifer. The other would have required any person in Tennessee who intends to drill a well to provide at least 14 days' notice to TDEC and that information be published on the internet. Farm Bureau opposed both pieces of legislation and no final action was taken on either.

Tennessee’s law addresses waters of the state in six key areas: 1.) The Water Resources Act of 1957 directs the Commissioner of TDEC with responsibility of protecting, conserving, and developing water resources of the state. All provisions of this act have never been fully implemented due to funding limitations. 2.) The Water Quality Control Act (WQCA) of 1977 gives TDEC broad power over waters of the state. TDEC enforces measures of the WQCA by administrating different permits, such as the Aquatic Resource Alteration Permits, National Pollutant Discharge Elimination System permits, and other state operating permits like concentrated animal feeding operations (CAFO). Agriculture is largely exempt from WQCA, other than CAFOs which are considered point sources by federal law. 3.) In 2002 the General Assembly passed the Tennessee Water Resources Information Act (WRIA) which developed a registration system for water withdrawals in the state. WRIA states that; "no person shall withdraw ten thousand or more gallons of water per day from a surface water or a groundwater source unless the withdrawal is currently registered with the commissioner." This law excludes withdrawing water for agricultural uses. The state has historical records of water withdrawal amounts for all types of water usage except agriculture. 4.) The Inter-Basin Water Transfer Act (IBWTA), passed in 2000, established ten separate water basins in the state and developed the process for which a person or entity would want to move water from one basin to another. 5.) the Tennessee Safe Drinking Water Act (SDWA) governs the construction and operation of public water supply systems. SDWA also provides regulatory authority to TDEC to protect aquifers and surface water bodies used as a water supply source. 6.) The Tennessee Water Well Act of 1963 requires all persons drilling a well for beneficial use to obtain a license from TDEC.

Tennessee law also allows for the development of watershed districts. Watershed districts, if established by local property owners, can be used to conserve soil and water resources within the district. The district could do this by constructing drainage, reservoirs, or other improvements that control water. The leadership of watershed districts would be made of property owners, elected democratically, within the district. The district could attain and distribute water for irrigation or other purposes within the district.

A major concern voiced in many of discussions around the TN H2O meetings have been that agriculture is not required to report water usage in WRIA. Much of the impetus of the WRIA in 2000 was for the state to establish historical water usage in the event the state was ever taken to court. Often in court cases over water, historical usage is the key to the court allotting future usage of water between the parties in the case. Because the state does not require water reporting for agriculture, the historical precedent for water usage for agriculture is not available. Farm Bureau policy is supportive of continuing this exemption of water reporting for agriculture.

Questions

1. Is there knowledge of the state’s effort to develop a water plan, also known as the TN H2O initiative?
2. Have droughts impacted drinking water supplies in your area?
3. Has agriculture irrigation usage increase in your area?
4. Farm Bureau is opposed to mandatory agriculture water usage reporting. Is this still the correct policy?
Farm Bureau Policy

Water (partial)

Water is one of Tennessee's most valuable natural resources. In the future, many decisions will be made to protect this resource.

We support the English doctrine of riparian water rights to surface and groundwater. We support the right of farmers to irrigate from streams and wells. Actions by state government to regulate water usage should recognize that crop irrigation and livestock watering is critical to maintain a stable food supply. We urge public water suppliers to offer discounted agricultural rates on water in production agriculture. Availability of water for human consumption, sanitation and production agriculture should supersede all other uses. Farmers should not be charged fees or required to receive permits for surface or groundwater withdrawals for purposes of maintaining a water budget in a basin or watershed. Any efforts to quantify water usage for agricultural purposes should be on a voluntary basis without mandatory reporting to state agencies. Farm Bureau should stay current on water issues and be involved in the decision-making process. Tennessee farmers have increased their use of irrigation on a wide range of commodities. Irrigation is a major benefit to the agricultural economy and is a critical component in our ability to produce food and fiber. We believe the Tennessee Farm Bureau should identify potential issues that may affect irrigation and find long term solutions to protect and enhance our ability to use irrigation.
Deannexation

Issue

Legislation abolishing annexation by ordinance was passed in 2014. A critical provision in the law specified that land in agricultural use may only be annexed with consent of the farm owner regardless of the method of annexation. This was a dramatic change in the way cities could expand municipal boundaries. Proponents of the legislation believe this change was necessary to facilitate planned growth by ensuring cities and communities work together to expand municipal boundaries. They also believe the next step is to provide a process for communities to deannex from a city. During the decades of uninhibited annexation by cities, there are many communities, including farmland, annexed into cities yet the cities never provided services or other amenities that made city property taxes, other taxes, fees, and ordinances worthwhile. In many cases, cities annexed property just to generate revenue. Legislation has been filed in the last two General Assemblies to give landowners the right to petition for deannexation in certain conditions.

Background

Tennessee’s annexation laws date back to 1955. The main issue was nonconsensual annexation by ordinance which allowed cities to annex property without any consent or involvement of the property owners. Since that time, the state has struggled with providing a balance between municipal growth and rights of property owners in the pathway of municipal growth. In the 1990s there was considerable controversy over broad annexation powers and incorporation of communities in an effort to stop annexation by cities of communities that did not want to be a part of the city.

In 1998 the General Assembly passed Public Chapter 1101, also known as Tennessee’s Growth Policy Act. Public Chapter 1101 changed annexation laws by providing a twenty-year growth planning process involving counties and cities. The Act required the establishment of coordinating committees in each county made up of representatives of cities, the county, soil conservation districts, utilities, school districts, chambers of commerce, and others involved in the community. The coordinating committees were tasked with developing growth plans for each county. Growth plans had three distinct areas designated: 1. Urban Growth Boundaries, 2. Planned Growth Areas, and 3. Rural Areas. Each growth area included different restrictions but the main provision regarding municipal growth was annexation by ordinance was still allowed anywhere throughout the Urban Growth Area of a city. Planned Growth Areas and Rural Areas had restrictions on annexation.

Continued controversy over nonconsensual annexation by ordinance ultimately led to Public Chapter 441, passed in 2013, which established a moratorium on annexations by ordinance of residential and agricultural properties across the state and directed the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) to study state policies regarding annexation. Nonconsensual annexation in Urban Growth Boundaries placed property owners into another level of government with city property taxes and city laws without any participation, representation, or consent of those being annexed. Farmland owners were especially impacted because of extra taxation without any added services. Tennessee was one of only six states where most annexations did not require the direct approval of the annexed residents. TACIR data showed from 1990 to 2009, 99% of annexations were conducted through an ordinance of the city conducting the annexation.

After a year-long examination of state annexation laws, the General Assembly passed Public Chapter 707 in 2014 which abolished annexation by ordinance and provided a referendum process before being annexed. The law went a step further by specifying farmland could only be annexed into a municipality by the consent of the farmland owner.
This sweeping change in annexation laws left issues unresolved. One of those issues was rights of property owners who want to be deannexed from a city. Current state law does not give property owners the ability to initiate a deannexation process. Data from TACIR indicates of the 36 states with deannexation laws, Tennessee is one of only ten states that do not allow property owners to initiate a deannexation process.

Legislation filed in the past two General Assemblies would allow a process for property owners to initiate and participate in a deannexation process. This also includes a process for farmland owners to remove farm property from city boundaries if certain qualifications are met. This legislation has been met with considerable opposition from municipalities over issues such as confusion of services, irregular boundaries, “donut hole” areas, repayment of debt incurred while an area was in the city boundaries, and loss of infrastructure improvements. Counties have concerns because a county would be obligated to take responsibility of infrastructure requirements such as roads, bridges, and emergency services.

Sponsors of the legislation have worked to alleviate most of these concerns through several versions of the legislation. Tennessee law allows cities to continue taxing properties that have been deannexed to repay debt incurred by the city while the properties were still within the city boundaries. These provisions have remained in the legislation to ensure cities are held harmless in debt obligations if property owners deannex. The taxation would end once the debt obligations are repayed. Cities would also be able to continue charging a sufficient amount to pay for services, such as water, to deannexed areas. Versions of the legislation also would not allow property owners to initiate a deannexation process if the deannexation would cause a “donut hole” meaning the city boundaries would surround the properties. Farmland would also be prohibited from being deannexed if the deannexation would result in the property being surrounded by city boundaries.

Questions

1. Do you believe a process for property owners to initiate deannexation would cause irreparable harm to cities?
2. Should counties have a part in the deannexation process to ensure counties are not overburdened by infrastructure obligations?
3. Should there be criteria for what constitutes farmland to ensure other types of properties do not receive the same special treatment as farmland owners?
4. Are there other issues regarding annexation that should be pursued by Farm Bureau?

Farm Bureau Policy

Annexation

We support the sections of the growth management law de-signed to protect the property rights of farmers. The Tennessee Farm Bureau Board of Directors should closely monitor the law to ensure the best interest of Tennessee agriculture is served. Tennessee’s growth management law was passed in 1998 to provide a twenty-year growth plan framework for each county. The Tennessee General Assembly should study the strengths and weaknesses of the current law to determine how to move forward after 2018 with a policy that is best for all landowners.

We commend the Legislature for abolishing annexation by ordinance. Before annexation, citizens in the area affected should have the right to vote to be annexed or to remain outside the municipality. Land in agricultural use should only be annexed with consent of the farm owner. Farm Bureau supports the right to a jury trial in annexation disputes.

Municipalities should be restricted to how much land they can annex in a given period. State funded grants should not be allowed to offset the high costs incurred by municipalities installing utility lines simply to lay claim to rural areas. Strip annexation of highways leading out of municipalities should be curtailed. County governments should not have the undue burden to provide improvement of services within annexed communities where the municipality should be responsible.
An election should be called for after population has been changed by 15% due to annexation. Newly annexed areas should not be taxed for any debt of the original municipal area.

If farmland is annexed, no city property taxes should be collected as long as the land remains in production agriculture. Working family farms within city limits are an asset to the livelihood of the cities’ citizens. Every effort should be made to preserve these working farms when the landowner wants to continue to farm. Farm owners should always be consulted as to their intent to continue farming before annexing into a city limit. We encourage local governments to voluntarily work more closely with farmers to develop incentives to promote the continuation of family farms.

If consolidation of county and municipal governments occurs, separate taxing districts should be established. Rural areas should not have to pay for urban services they do not receive. Citizens should have the ability to de-annex by referendum to remove affected properties from a municipality, including properties in greenbelt.
County Attempts to Regulate Ag Practices

Issue

Tennessee law is clear. County governments have no regulatory authority over agriculture and cannot use zoning as a way to accomplish regulations. Through the years, numerous Attorney General Opinions have confirmed this. However, some counties have ignored the state law and adopted zoning ordinances pertaining to agriculture, often targeting livestock operations. Similarly, counties cannot require building permits for agricultural operations, though state law does allow cities this ability. Some counties have also attempted to penalize agriculture by subclassifying the property for property tax purposes. For example, a portion of a tract of property is reclassified as commercial based on an isolated use. The practice of subclassifying land has long been allowed for property tax purposes, but as long as the farm operation meets the definition of agriculture as defined by Tennessee law then the farm should not be subclassified. Unfortunately, Farm Bureau has seen examples of these situations across the state. Often, this is not in done in malice against state law but rather a misunderstanding of how the law pertains to agriculture.

Background

To understand this issue, it is vital to understand how Tennessee law works pertaining to county authority. County governments are a creation of the State of Tennessee. The basis of county government is established in the State Constitution and provides a basic framework for governance. Tennessee law builds upon what is set out in the Constitution. In addition to the Constitution and the Code (law), there are other acts of the Tennessee General Assembly called “private acts” which are adopted by the General Assembly and then ratified locally by either the voters or the county legislative body. The private acts are usually made at the request of the county legislative body. These private acts cannot conflict with the general state law and are there to provide additional details in areas the state law does not address. Simply, county governments cannot pass ordinances outside of what state law allows.

Tennessee’s law giving power to the counties to adopt zoning ordinances was passed in 1935. The zoning statute empowers counties to regulate the use of real property and the structure and design of buildings within their boundaries. The counties’ power in these statutes are broad, but not without limit. Ever since county zoning statutes were enacted, counties have not been authorized to regulate “agricultural uses” of property [TCA 13-7-114(a)]. The law prohibits counties from regulating buildings and other structures devoted to agricultural uses. County inability to regulate agricultural uses of land are also reaffirmed in Title 5, Chapter 1, of the Code which governs the powers of counties generally.

Even with this in Tennessee law, counties have tried to regulate farming practices by using zoning. It is apparent counties misunderstand how the law pertains to agriculture. Any effort to do so is in direct contradiction to TCA 5-1-118, 5-1-122, and 13-7-114. The fact Tennessee law does not give counties this authority has been upheld in Tennessee Attorney General Opinions: 94-103, 99-071, 13-80, 14-79, and 18-30. The Tennessee Supreme Court referenced TCA 13-7-115 and 5-1-122 in specifying counties do not have authority over agricultural land under Tennessee law in Shore v. Maple Lane Farms, LLC 411 S.W.3d 405, 426 (Tenn. 2013).

Correspondingly, TCA 13-7-114 prohibits counties from requiring building permits devoted to agricultural uses. However, for farms located in city limits, city governments can require building permits for agricultural purposes, according to Tennessee Attorney General Opinion 10-12. This opinion is based on TCA 6-54-126, which prohibits cities from the power
to regulate the use of agricultural land but does not exclude power to regulate buildings. TCA 13-7-201(a)(1) empowers municipalities to regulate buildings thus the ability to require building permits.

Some counties have attempted to penalize farmers by subclassifying the property for property tax purposes. For example, a portion of a tract of property is reclassified as commercial based on an isolated use. The practice of subclassifying land has long been allowed for property tax purposes, but as long the farm operation meets the definition of agriculture as defined by Tennessee law then the farm should not be subclassified. Counties’ ability to assess property taxes, and to subclassify property, comes from TCA Title 67, Chapter 5. Within the chapter, “Farm Property” references the definition of agriculture which is found in TCA 1-3-105 & 43-1-113. The definition of agriculture is

(A) "Agriculture" means:
   (i) The land, buildings and machinery used in the commercial production of farm products and nursery stock;
   (ii) The activity carried on in connection with the commercial production of farm products and nursery stock;
   (iii) Recreational and educational activities on land used for the commercial production of farm products and nursery stock; and
   (iv) Entertainment activities conducted in conjunction with, but secondary to, 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;

(B) As used in this definition of agriculture, the term "farm products" means forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber or fur;

(C) As used in this definition of agriculture, the term "nursery stock" means all trees, shrubs, or other plants, or parts of such trees, shrubs or other plants, grown or kept for, or capable of, propagation, distribution or sale on a commercial basis;

Questions
1. Has your county enacted any zoning requirements or building permits on agricultural land?
2. Farm Bureau’s policy is supportive of counties’ ability to use zoning to accomplish orderly growth and designate land use to certain areas. TFBF policy further states: “Local governments should not use zoning as a tool to regulate agricultural practices.” Is Farm Bureau policy still in line with the wishes and purposes of your farming community?
3. What can Farm Bureau do to educate counties and prevent the regulation of agricultural land?
4. Does the definition of agriculture meet today’s production practices, particularly with the rise of agritourism operations?

Farm Bureau Policy

Land Use Planning (Partial)

We oppose federal land use planning. Planning can best be accomplished at the local level of government and by private landowners.

Several local communities have used zoning very effectively in accomplishing orderly growth and designating land use to certain areas. Local planning can save tax dollars and protect landowners if local people make decisions. In those counties with zoning, local farmers should have adequate representation on planning commissions, zoning boards and appeal boards.

We oppose federal, state or local legislation imposing land use regulations to qualify for federal grants and loans or to participate in other government programs. No government agency should have the right to control land use without specific legislative authority. Local governments should not use zoning as a tool to regulate agricultural practices.

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Blockchain Technology

Issue

Blockchain is a buzzword in technology circles. Just like any new technology, the agricultural industry will look to take advantage of this advancement. Blockchain is a public list of transactions held on a decentralized set of computers, much like the internet is a group of interconnected computer networks. The blockchain system is not owned by any entity or individual, and anyone on the blockchain helps run it. Using the blockchain creates a transparent and secure digital ledger where a transaction can be completed without an intermediary, because everyone on the system can see and track transactions. Blockchain technology is the backbone of cryptocurrencies such as Bitcoin. This technology is already being used in food safety to pinpoint a source of contamination quickly and efficiently. Other areas predicted to be of benefit to farmers are traceability of products, reduced transaction costs and intermediary costs when trading commodities, new markets for products because farmers will not have to verify trustworthiness of buyers, and more efficient logistics in the supply chain.

Background

What is the internet? In today's world of technology this question almost seems silly. While most cannot describe the internet with an exact definition, they understand it is the tool that connects us to the world through a global computer network. But when the question of “what is the internet” was asked 30 years ago, the average American could not fathom such a concept.

So, what is blockchain? Many involved in the technology sector see blockchain as the next frontier in technology, and much like the internet, will be a normal part of the future. Also like the internet, users do not have to know exactly how it works to use blockchain. While it is unknown to what level blockchain technology will be adopted, the adoption of use by cryptocurrencies shows how this technology can potentially be a trusted tool.

A blockchain is a public list of transactions, is verified by other users, and then a transaction is added to a list for all users to see, thus making a chain. All additions to the blockchain are permanent, as other users cannot edit the transaction. Then future transactions are added to the blockchain. This public list of permanent transactions makes fraud very difficult. The transaction takes place directly between two parties, potentially cutting out the need for a middleman.

While difficult to understand, there are potential uses in agriculture. The first and simplest application would be to track a transaction from a farmer to another party. If the transaction takes place on the blockchain there would be no need for a contract, attorney, or notary. It would be the tech world’s version of a handshake agreement, but everyone sees the handshake. Beyond simple transactions, food could be traced from farm to fork by consumers by following each time the product changed hands in the production process. Another potential use could be land surveys. Once a tract of land is surveyed, the information is uploaded to blockchain and cannot be edited potentially, ending property boundary disputes.

This year in the Tennessee General Assembly, Public Chapter 591 was passed which recognizes the legal authority to use blockchain technology and smart contracts in conducting electronic transactions. PC 591 also protects rights of ownership of certain information secured by blockchain technology.
Questions

1. What are the potential benefits/risks to blockchain technology?
2. Does Farm Bureau need policy pertaining to blockchain technology?
3. Does the advent of technology like blockchain, or other technological advancements, require more emphasis on the need for broadband and cellular connections?

Farm Bureau Policy

Farm Bureau does not have policy pertaining to blockchain technology.