1. The 2008 Farm Bill made changes to existing commodity programs, including a new “ACRE” program as an option the direct and counter cyclical payment programs. While many farmers will consider how the ACRE program may work for them, others could be impacted by reduced levels in payment limitations, as a result of a change in the definition of “adjusted gross income” for the operator and the owner, and the elimination of the “three entity rule.” The Farm Bill also included numerous tax provisions of importance to farmers, including partial relief from self-employment tax for CRP payments for some recipients. The Food, Conservation, and Energy Act of 2008, H.R. 6124, Pub. Law. No. 110-234.

2. A federal appellate court ruled that livestock sellers will not have to prove that buying practices of a meat packer adversely impacted competition. In a case brought against Pilgrim’s Pride, the court held that the Packers and Stockyards Act did not require a producer to prove lack of competition on a price manipulation claim. Wheeler v. Pilgrim’s Pride Corp., 536 F.3d 455 (5th Cir. 2008).

Note: The court’s opinion was followed by a Federal District Court case in White, et al. v. Pilgrim’s Pride Corporation, et al., No. 2-07-CV-522 (TJW), 2008 U.S. Dist. LEXIS 74793 (E.D. Tex. Sept. 29, 2008). The court’s opinion is contrary to U.S. Circuit Courts of Appeal opinions from the Seventh, Eighth, Ninth, Tenth and Eleventh Circuits. With the Fifth Circuit’s contrary opinion, the U.S. Supreme Court may be asked to resolve the conflict (cont. on page 2)

* Leonard Dolezal Professor in Agricultural Law, Iowa State University, Ames, Iowa, and Director of the ISU Center for Agricultural Law and Taxation.

DOMESTIC PRODUCTION ACTIVITY DEDUCTION FOR MEMBERS OF COOPERATIVES

by Philip E. Harris*

Farmers are receiving Form 1099-PATR as well as statements about the pass-through of the domestic production activities deduction (DPAD) from their cooperatives. These forms and statements have generated a number of questions from farmers and their income tax preparers. While the rules are confusing, they do have a significant positive effect on the tax returns of members of cooperatives that elect to pass the DPAD through to their members.

The most common question is how the increased amounts being reported in box 3 of the Form 1099-PATR should be reported on the farmer’s income tax return. To address that question and related issues, this article begins with a discussion of the DPAD as it applies (cont. on page 3)

* Department of Agricultural and Applied Economics, University of Wisconsin-Madison/Extension
between the Circuits.

3. In a case primarily of interest to western landowners, a federal appeals court ruled that it will not be as inclined as in recent years to accept complaints from environmental groups that challenge activities on public lands. In the particular case, the court held that it was not a scientific body qualified to decide a logging dispute, deferring to the regulatory agency. The Lands Council, et al. v. McNair, 537 F.3d 981 (9th Cir. 2008).


4. As of the end of 2008, the IRS had lost all of the legal issues presented in several cases involving a provision contained in the 2005 overhaul of the bankruptcy code as applied to Chapter 12 farm bankruptcy. That provision changed the priority status of governmental claims in a Chapter 12 bankruptcy to general unsecured, non-priority status if the debtor receives a discharge. The courts have ruled that IRS was not following the intent of Congress regarding the liquidation of assets and how they are to be taxed after the bankruptcy filing. In re Knudsen, 389 B.R. 643 (N.D. Iowa 2008); In re Daves, 382 B.R. 509 (Bankr. D. Kan. 2008); In re Hall, 393 B.R. 857 (D. Ariz. 2008) and In re Schilke, No. 4:07CV3283, 2008 U.S. Dist. LEXIS 68176 (D. Neb. Sept. 9, 2008).

5. The Swampbuster rules were included in the conservation provisions of the 1985 Farm Bill and bar farm program payment eligibility for cropping a wetland. But, in 2008, one court ruled against USDA in a case involving farmland that had only water-loving plants as the evidence of a wetland. The court held that there must also be wetland soils and wetland hydrology to meet the definition of a wetland. B & D Livestock Co. v. Schafer, No. C 07-3070-MWB, 2008 U.S. Dist. LEXIS 90038 (N.D. Iowa Nov. 5, 2008).

6. In some respects, by the end of 2008 “mad cow” disease had faded from the headlines. But, a major case remains in the courts, and a 2008 federal court held in favor of USDA when it prevented a private livestock operation from conducting its own testing program and privately selling beef to foreign buyers. The court, in a highly questionable opinion that reversed the trial court, said USDA can stop private testing in lieu of spot testing throughout the entire packing industry. But “stay tuned” on this one, because it remains in litigation. Creekstone Farms Premium Beef, L.L.C. v. Department of Agriculture, 539 F.3d 492 (D.C. Cir. 2008).

Note: The case is not over. The court remanded the case to the trial court to rule on whether the USDA acted arbitrarily and capriciously in refusing to allow the plaintiff to test its cattle in violation of the Administrative Procedures Act.

7. Two federal appellate courts, over the past decade, have addressed the question of whether USDA must pay attorney fees in cases where it is determined that the USDA’s legal position was not justified by the law. In 2008, a third federal appellate court held that USDA must pay attorney fees when USDA applies its regulations in error. Five Points Road Joint Venture, et al. v. Johanns, 542 F.3d 1121 (7th Cir. 2008).

Note: The Eighth Circuit case is Lane v. United States Department of Agriculture, 120 F.3d 106 (8th Cir. 1997), and the Ninth Circuit case is Aageson Grain and Cattle, et al. v. United States Department of Agriculture, 500 F.3d 1038 (9th Cir. 2007).

8. For many cash basis farmers, deferral of crop income to the year following the year of harvest is a common tax-planning technique. Deferral is also available for crop insurance and disaster proceeds if the farmer has a business practice of deferring the crop income. IRS has said that requires a business practice of deferring more than 50 percent. In 2008, the Tax Court ruled that the IRS interpretation of the statute was correct. Nelson, et al. v. Comm’r., 130 T.C.

9. In 2008, independent cattlemen won a court battle with the USDA that focused on a USDA rule allowing cattle over 30 months old to be imported from Canada as part of an overall effort to prevent “mad cow” disease. The court determined that USDA developed the rule without engaging in the proper notice and comment procedures as required by federal law. As a result, the USDA’s rule was remanded with instructions to the agency to engage in proper rulemaking procedures. Ranchers Cattlemen Action Legal Fund; United Stockgrowers of America, et al. v. United States Department of Agriculture, 566 F. Supp. 2d 995 (D. S.D. 2008).

10. USDA’s controversial premises registration requirement for livestock producers to identify their facilities for the alleged purpose of tracing movement of diseased livestock has been a contentious issue for several years. USDA, in September of 2008, mandated registration for producers engaged in interstate movement of livestock. But, in December of 2008, USDA rescinded the requirement when opponents challenged it, also under USDA’s public notice requirements. USDA APHIS-VS Memo. No. 575.19 (Dec.22, 2008), rescinding USDA APHIS-VS Memo. No. 575.19 (Sept. 22, 2008).

* * * * *
to cooperatives and their members and then directly addresses the questions raised by the forms and statements sent by cooperatives.

**Background**

I.R.C. § 199 allows taxpayers to claim a deduction on their income tax return based on their net income from production activities in the United States. The domestic production activities deduction (DPAD) for tax years beginning in 2009 is limited to the lesser of:

- 6% of the qualified production activities income (QPAI);
- 6% of the entity’s taxable income without regard for I.R.C. § 199 (modified adjusted gross income for individual taxpayers); or
- 50% of Form W-2 wages paid during the year by the taxpayer.

The 6% rate increases to 9% for tax years beginning after 2009. (The deduction rate was 3% in 2005 and 2006.) QPAI is equal to domestic production gross receipts (DPGR) reduced by the sum of the following:

- cost of goods sold (CGS) allocable to DPGR;
- other deductions and expenses directly allocable to DPGR; and
- a share of other deductions and expenses that not directly allocable to DPGR or another class of income.

DPGR are receipts derived from the lease, rental, license, sale, exchange, or other disposition of qualifying production property that is manufactured, produced, grown, or extracted by the taxpayer in whole or in significant part within the United States [I.R.C. § 199(c)(4)]. Qualifying activities include cultivating soil, raising livestock, and fishing as well as storage, handling, and other processing (other than transportation activities) of agricultural products [Treas. Reg. § 1.199-3(e)(1)].

QPAI for many farmers is the sum of their net income reported on Schedule F (Form 1040), Profit or Loss from Farming, and net gain from sale of raised livestock reported on Form 4797, Sales of Business Property. However there are exceptions to this general rule.

**Wages**

For some farmers, the 50% of wages limitation is the binding constraint on their DPAD because they have very little on no paid labor. Wages for which withholding is not required are excluded from “Form W-2 wages.” Therefore, wages paid in commodities, wages paid for agricultural labor to a child of the proprietor (or all partners) who is under age 18, and compensation paid in nontaxable fringe benefits are not included in “Form W-2 wages.” For tax years beginning after May 17, 2006, only the wages allocable to DPGR are qualified wages for the 50% of wages limitation.

**Patrons of Cooperatives**

The DPAD is a confusing issue for members of cooperatives. Unlike the treatment of owners of other pass-through entities such as partnerships and S corporations, the DPAD deduction for products sold by a cooperative is calculated at the entity level and the cooperative can elect to pass part or all of the DPAD through to its members based on their patronage [I.R.C. § 199(d)(3)]. Because the DPAD is calculated at the cooperative level and the deduction passes through to the members of the cooperative, the deduction on the member’s tax return is not limited by the member’s adjusted gross income or Form W-2 wages.

**Cooperative’s DPAD**

A cooperative engaged in marketing agricultural and horticultural products is treated as having produced any products that are produced by its patrons and marketed by the cooperative [I.R.C. § 199(d)(3)(D) and Treas. Reg. § 1.199-6(d)]. In determining the pass-through DPAD, the cooperative’s taxable income and QPAI are computed without taking into account any deductions for patronage dividends, per-unit retain allocations, and nonpatronage distributions under I.R.C. § 1382(b) and (c) [I.R.C. § 199(d)(3)(C) and Treas. Reg. § 1.199-6(c)].

This rule led many cooperatives to take a closer look at how they characterize their payments to members for the members’ commodities. The characterization depends on the member agreement with the cooperative. The IRS examined those agreements in five letter rulings (PLR 2008-38-011 September 19, 2008; PLR 2008-43-015, October 24, 2008; PLR 2008-43-016, October 24, 2008; PLR 2008-43-023, October 24, 2008; PLR 2008-52-022, December 26, 2008), and ruled in each of them that the cooperatives’ payments to the members for their commodities were advance per unit retains payments in money (PURPIM). Consequently, the cooperatives do not have to deduct those payments from their DPGP to compute their QPAI. Treating the payments for commodities as PURPIM significantly increases the cooperative’s QPAI and potentially the DPAD the cooperative can elect to pass through to its members.

**Example 1**

Ruraltown Farmer’s Cooperative is a marketing cooperative that had $5,000,000 in gross receipts in 2008 from the sale of corn its members delivered to it, who are the farmers that produced the corn. Ruraltown paid $4,000,000 to its members at the time they delivered the corn and another $500,000 in patronage dividends after the close of the 2008 tax year. Ruraltown also had $500,000 of other expenses that includes $120,000 of wages.

Historically, Ruraltown treated the payments to its members at the time they delivered corn as payments for the purchase of the corn. However, after reviewing its membership agreement in light of the letter ruling issued by the IRS, Ruraltown concluded that those payments are PURPIM. Therefore, it did not deduct those payments from DPGR to compute its QPAI for 2008 and it included those payments in box 3 of the 2008 Forms 1099-PATR it sent to its members.

Because Ruraltown marketed grain produced by its members, all of its receipts are DPGR. Consequently all of its expenses are allocable to DPGR, and its QPAI is $4,500,000 ($5,000,000 - $500,000). (If Ruraltown’s payments to members at the time they delivered corn were purchases of the corn, the $4,000,000 cost of the corn would be an expense that is deducted from the cooperative’s DPGP, which would reduce the cooperative’s QPAI to $500,000 ($5,000,000 - $500,000 - $4,000,000).

Ruraltown’s DPAD is $30,000, which is...
the least of:
1. 6% of its $4,500,000 QPAI, which is $270,000.
2. 6% of its $500,000 taxable income, which is $30,000, or
3. 50% of its $120,000 wages, which is $60,000.

Member’s DPAD

The member’s deduction is the DPAD of the cooperative that is allocable to the following:

- Patronage dividends paid to the patron in money, a qualified notice of allocation, or other property (except a nonqualified written notice of allocation), and
- Per-unit retain allocations that are paid to the patron in qualified per-unit retain certificates.

I.R.C. § 199(d)(3)(A)(ii) requires the cooperative to designate the patron’s portion of the income allocable to QPAI in a written notice mailed by the cooperative to the patron no later than the fifteenth day of the ninth month following the close of the tax year.

Example 2

Joe Corngrower, a member of Ruraltown Farmer’s Cooperative from the previous example, marketed 50,000 bushels of corn through Ruraltown in 2008, which was 2% of all the grain Ruraltown marketed that year. Ruraltown elected to pass its entire $30,000 DPAD through to its members and allocated 2% ($600) of it to Joe. Joe reports that $600 DPAD on line 21 of his 2008 Form 8903, Domestic Production Activities Deduction. Joe can deduct that full $600 regardless of his adjusted gross income (AGI) or Form W-2 wages because a DPAD that is passed through from a cooperative is not subject to the 6% of AGI or 50% of wage limitations on the member’s income tax return.

No Double Counting

Treas. Reg. § 1.199-6(l) states, “A qualified payment received by a patron of a cooperative is not taken into account by the patron for purposes of section 199.” Therefore, patronage dividends paid to the patron in money, a qualified notice of allocation, or other property (except a nonqualified written notice of allocation) or in per-unit retain allocations that are paid to the patron in qualified per-unit retain certificates are not included in a member’s DPAD.

It is important to note that this rule excludes the listed items from the member’s DPGR whether or not the cooperative elects to pass part or all of its DPAD through to its members. Therefore, the cooperative’s election to pass through DPAD to its members has no effect on the members’ DPGR.

Example 3

Joe Corngrower from the previous examples cannot include the payments he received from Ruraltown in his DPGR because Ruraltown has characterized those payments as PURPIM and patronage dividends. He cannot include those payments in his DPGR even if Ruraltown passed none of its DPAD through to its members.

Effect of 5% Safe Harbor

There is no guidance on the interaction of Treas. Reg. § 1.199-6(l) and the safe harbor under Treas. Reg. § 1.199-1(d)(3)(i) that allows a taxpayer to treat all receipts as DPGR if less than 5% of the taxpayer’s total gross receipts are non-DPGR. If a patron qualifies for the 5% safe harbor, can he or she include qualified payments from a cooperative in DPGR because all receipts are included? Or does Treas. Reg. § 1.199-6(l) override the 5% safe harbor and exclude the qualified payments from the patron’s DPGR?

Under general rules of statutory interpretation, a more specific rule takes precedence over a more general rule if they are in conflict. Treas. Reg. § 1.199-6(l) is the more specific rule in this case and would take precedence over the 5% safe harbor under that rule of statutory interpretation.

Cooperative’s DPAD is not reduced

I.R.C. § 199(d)(3) and Treas. Reg. § 1.199-6 do not explicitly state the effect of a cooperative’s election to pass its DPAD through to its patrons on the DPAD the cooperative can claim. They do not require the cooperative to reduce its DPAD deduction but do not state that it does not have to reduce its deduction. However, Example (2) of Treas. Reg. § 1.199-6(m) allows the cooperative, to deduct the full amount of the DPAD that it passed through to its patrons.

P.L.R. 2008-38-011 (September 19, 2008) states, “the cooperative remains entitled to claim the entire section 199 deduction on its return (provided that it does not create or increase a patronage tax loss).”

I.R.C. § 199(d)(3)(B) and Treas. Reg. § 1.199-6(b) require the cooperative to reduce the deduction it would otherwise claim against its taxable income under I.R.C. § 1382(b) for per-unit retain allocations and patronage dividends by the amount of the DPAD that it elects to pass through to its patrons. The reduction of that deduction has the same effect on the cooperative’s taxable income as reducing the cooperative’s DPAD by the DPAD passed through to the cooperative.

Reporting on Farmers’ Tax Returns

Based on the preceding analysis, the questions raised by the Forms 1099-PATR and DPAD statements sent to farmers by cooperatives can be addressed.

Question 1: The original 2008 Form 1099-PATR my client received from her cooperative reported $100,000 in box 5b, which is the per unit retain that she received in January 2008 based on the grain she marketed through the cooperative in 2007. An amended 2008 Form 1099-PATR increases the amount reported in box 3 by the $100,000 of grain that she delivered in 2008 and for which she was paid in 2008. If I report this entire amount on line 5b of Schedule F (Form 1040), the grain sales will be included in income twice. How should the amount in box 3 be reported?

Answer 1: By reporting the $100,000 the member received for grain sales in box 3 of Form 1099-PATR, the cooperative is stating that the payment for grain is a per unit retain paid in money (PURPIM). That determination is based on the membership agreement. Because of that determination, the $100,000 from the cooperative for the grain should not be reported as grain sales on line 4 of Schedule F (Form 1040). It should be included on both lines 5a and 5b of Schedule F (Form 1040).

Reporting the $100,000 for grain as part of the PURPIMs on line 5b of Schedule F (Form 1040) is consistent with the Treas. Reg. § 1.199-6(l) statement that those payments are not included in the member’s DPGR. Your client’s 2008 DPGR does not include the $100,000 she received for the grain.

Question 2: This same client received a statement from her cooperative that says it has elected to pass through 60% of its DPAD to its members. (cont. on page 5)
members, and my client’s share of the pass-through is $3,600. The $3,600 is reported in box 6 of her 2008 Form 1099-PATR. I understand that the $3,600 is reported on line 21 of my client’s 2008 Form 8903, Domestic Production Activities Deduction. Because that amount is only 60% of the DPAD that the cooperative could have passed through to my client, can I include 40% of her $100,000 milk sales in her 2008 DPAD to calculate her DPAD?

Answer 2: No, because the cooperative has determined that its payments for members’ grain are advance payments of PURPIMs, those payments are not included in the members’ DPGR regardless of the cooperatives election to pass through some, all, or none of its DPAD.

Question 3: My client received a 2008 Form 1099-PATR with $270,000 in box 3. That amount matches the $20,000 he received in PURPIMs in 2008 and his $250,000 of milk checks that he received in 2007. I reported that $250,000 as milk income on his 2007 income tax return. How should I report the $270,000 shown in box 3 on his 2008 income tax return?

Answer 3: Some cooperatives calculated the 2008 DPAD that they passed through to their members based on the commodities the member delivered in 2007. They then reported the 2007 payments for commodities in box 3 of the 2008 Form 1099-PATR so that it is consistent with the DPAD that is passed through in box 6 of the 2008 Form 1099-PATR. With hindsight, they agree that the 2007 payments should have been reported in box 3 of the 2007 Form 1099-PATR. However, they are not sending amended Forms 1099-PATR.

To work around this reporting problem, you should report the full $270,000 from box 3 of Form 1099-PATR on line 5a of the 2008 Schedule F (Form 1040) but report only $20,000 on line 5b. Attach a statement to the return that says the $250,000 was reported as milk income on your client’s 2007 income tax return.

If you included the $250,000 of milk income in your client’s DPGR to calculate his 2007 DPAD, you should tell your client that he should amend his 2007 tax return to report a DPAD that is based on DPGR without the $250,000 of milk income. That is true whether or not the cooperative elected to pass its DPAD through to its members. The cooperative’s determination that the 2007 payments for milk are advance payments of PURPIM excludes those payments from the members’ DPGR without regard to the cooperative’s DPAD pass-through election.

Summary

The tax rules for a cooperative’s DPAD are complicated and different from the rules for other entities. The differences amongst cooperatives add to the confusion. Some of the more confusing issues are:

1. Payments from cooperatives for members’ commodities have traditionally been reported by the cooperative and the members as a sale of the commodity to the cooperative. The DPAD rules have caused cooperatives to look more closely at that characterization because of the tax benefits of treating those payments as per unit retains paid in money (PURPIM). Many cooperatives have concluded those payments are PURPIM and therefore do not have to be subtracted from the cooperative’s DPGR to compute their QPAI. Another consequence of that characterization is that the members cannot include the payments they receive from the cooperative in their DPGR when they compute their own DPAD.

2. The cooperative chooses how much, if any, of its DPAD that it passes through to its members. The cooperative’s choice has no effect on its members DPGR because members cannot include PURPIM or patronage dividends in their DPGR regardless of the cooperatives choice of how much DPAD is passed through to members.

3. Some cooperatives have calculated their 2008 DPAD based on commodities delivered to them in 2007 while others have computed their 2008 DPAD based on commodities delivered to them in 2008. The year on which the DPAD is based affects the members of the cooperative because, in most cases, that is the first year the cooperative has treated all of its payments to its members as PURPIM or patronage dividends and therefore is the first year the members must exclude all payments from the cooperative from their DPGR.

* * * * *

AGRICULTURAL LAW BIBLIOGRAPHY: 4th Quarter 2008

by Drew L. Kershen*

Administrative Law


Agricultural Law: Attorney Roles and Educational Programs


Animals — Animal Rights


Aquaculture


Springsteen, State-Level Catfish Labeling (cont. on page 6)

Biotechnology


Energy Issues


- Henry, Chaney & Hopkins, A Call to Farms: Diversify the Fuel Supply, 515-537.


Environmental Issues

Centner, Courts and the EPA Interpret NPDES General Permit Requirements for CAFOs, 38 Envtl. L. Rev. 1215-1238 (2008).

Comment, From Sewer to Farmland: Does the Dormant Commerce Clause Require a Farming Community to Accept Big City Sludge as a Fertilizer for Crops?, 17 San Joaquin Agric. L. Rev. 59-83 (2008).


Searchinger, Cleaning Up the Chesapeake Bay: How To Make an Incentive Approach Work for Agriculture, 16 Southeastern Envtl. L. J. 171-205 (2007).

Farm Labor

General & Social Welfare

Comment, Love’s Labors Lost: Achieving the Promise of California Agriculture by Cultivating an Improved Response to California’s Theft of Labor Problem, 17 San Joaquin Agric. L. Rev. 171-200 (2008).


Food and Drug Law


Forestry


Hunting, Recreation & Wildlife


International Trade

Zedalis, GMO Food Measures as “Restrictions” under GATT Article XI(1), 11 European Environmental L. Rev. 16-28 2002

Zedalis, United States-European Communities Biotech Products Case: Opportunity for World Trade Organization Consideration of whether Internally Applied Non-Tax Measures Fall within the Scope of the General Agreement on Tariffs and Trade Article XI(1)’s Reference to “Other

(continued on page 7)

Land Reform


Land Use Regulation

Land Use Planning and Farmland Preservation Techniques


Richardson, Conservation Easements and Ethics, 17 San Joaquin Agric. L. Rev. 31-58 (2008).


Marketing Boards, Marketing Orders, Marketing Promotion, & Marketing Quotas


Patents and Other Intellectual Property Rights in Agriculture


Pesticides, Herbicides, Insecticides, Fungicides, Fertilizers


Public Lands


Rural Development


Surveys


Sustainable & Organic Farming


Redick and Bligh, A Twisting Path Toward a National Standard for Sustainable Agriculture, 25 Agric. L. Update 1, 3-6 (11-2008).

Torts and Insurance


Veterinary Law


Water Rights: Agriculturally related


Howarth, Agricultural Water Rights in A. Lennon (ed.), Agricultural Law, Tax and Finance P1-P96 (Sweet & Maxwell, 1994).


If you desire a copy of any article or further information, please contact the Law School Library nearest your office. The National AgLaw Center website <http://www.nationalaglawcenter.org> has a very extensive Agricultural Law Bibliography. If you are looking for agricultural law articles, please consult this bibliographic resource on the National AgLaw Center website.

“Change is the law of life. And those who look only to the past or present are certain to miss the future.”

- John F. Kennedy
From the Executive Director:

**2009 ANNUAL CONFERENCE**

A reminder that the dates of the 2009 Annual Agricultural Law Symposium have been changed from October 16-17, 2009 to September 25-26, 2009.

Please make any adjustments to your calendars so that you won’t miss this year’s conference. President-elect Ted Feitshans is planning a very extensive program with a wide variety of topics and issues to be covered in a year of change and challenge for agriculture and agricultural law. If you would like to help with a presentation, contact Ted at ted_feitshans@ncsu.edu.

**MEMBERSHIP RENEWALS - MEMBERSHIP DIRECTORIES**

2009 membership renewal letters have been mailed to those who have not already renewed for 2009. Please check your personal information carefully, especially your e-mail address. I can provide current members with an Excel spreadsheet of the current members’ directory; send requests to RobertA@aglaw-assn.org.

**2008 CONFERENCE HANDBOOK ON CD-ROM**

Didn’t attend the conference in Minneapolis but still want a copy of the papers? Get the entire written handbook on CD. The file is in searchable PDF with an active-linked table of contents that is linked to the beginning of each paper. Order for $45.00 postpaid from AALA, P.O. Box 835, Brownsville, OR 97327 or e-mail RobertA@aglaw-assn.org. Copies of the printed version are also available for $90.00. Both items can also be ordered using PayPal or credit card using the 2008 conference registration form on the AALA web site.

**AALA UPDATE**

If you are still receiving the AALA *Agricultural Law Update* in the printed format, remember that the *Update* is available by e-mail, often sent up to a week before the printed version is mailed. The e-mail version saves the association substantial costs in printing and mailing. Please send an e-mail to RobertA@aglaw-assn.org to receive a sample copy and to change your subscription to e-mail.

**NEW ONLINE SURVEY FOR MEMBERS**

A new survey has been uploaded on to the AALA web site. This survey focuses on the annual conference issues such as location and extra-conference activities. The AALA board will use the results to guide it in making future conference location choices. You will need to log in as a current member. Please send me an e-mail, RobertA@aglaw-assn.org, if you need a reminder as to your username (your last name) and/or password (your member number).