



Missouri LICA NEWS

April/May 05

Missouri LICA Wins BIG At 2005 National LICA Convention!

The Missouri LICA Chapter was definitely a winner at the 54th Annual LICA Winter Convention held this March in Las Vegas. MLICA not only received a Diamond Recognition Award, but was named TOP STATE ... the highest honor given at National.

2004 was a very productive year for Missouri LICA. It was due to the generous donation of our member's time and talent that Missouri LICA was so successful. Here's why Missouri LICA deserved this outstanding recognition:

The year 2004 marked a new beginning for Missouri LICA. We signed up 23 new contractor members and 10 new Associate members; the average age of our membership dropped by a decade; and we had more active participation from contractor members outside our traditional core.

For the first time, we hosted a statewide backhoe rodeo competition which gave our members a chance to show off their skills, network with other members, and introduce Missouri LICA to prospective contractor members from around the state. In addition, by joining the LICA Safety Insurance Group, Missouri LICA has improved its member services by offering a tailor-made insurance package which can directly impact the bottom line.

In 2004, our participation in the Erosion Control Field Day, Citizens Committee for renewal of the state cost-share program, NRCS State Technical meetings, and DNR Soil and Water Program Commission meetings strengthened our partnerships with a wide variety of associations and governmental agencies across the state, while giving our members a stronger voice.

On the legislative front, our members stepped up to the plate and were able to influence the passage of one piece of legislation and the defeat of two others which directly impact our businesses and those of other contractors like us. We continue to monitor legislation relating to our industry.

Whether it was testifying on important legislation, talking to prospective members at county contractor meetings, timing a backhoe rodeo skill contest, or discussing regulations and budgets with one governmental agency or another, Missouri LICA members have worked very hard to make our chapter the best and are honored to be named the National Land Improvement Contractors of America's Top State.



↑ Missouri LICA President Eddie Gilmore (right) accepts the TOP STATE Award from incoming National LICA President Harry Hauschild.



↑ Doug Egeland, Region IV Vice President (left) presents the Diamond Recognition Award to Missouri LICA President Eddie Gilmore.



← TOP STATE Award proudly displayed next to the MLICA application notebook.

Welcome To Missouri LICA

We'd like to offer a warm welcome to the following new members:

Contractor

Darren Woods; Heidi

Darren Woods Excavation, Inc.
21501 S Bush Landing Rd.
Hartsburg, MO 65039-9590
District: 2 County: Boone
Phone: 573-657-0411
Fax: 573-657-0431
Cell: 573-424-8545
Email: DarrenWoods@centurytel.net
Work Categories: DB,EC,EMC,EXG,LL,
LS,ODW,PD,SP,TH,SWU
Equipment: BH,CL,EX,LD
Sponsor: Benchmark Insurers

Larry Slayden; Hannah

Slayden and Sons Dozing
4211 US Highway 169
King City, MO 64463-8219
District: 1 County: Gentry
Phone: 660-535-4887
Work Categories: EC,EMC,LL,PD,TW
Sponsor: Doug Schnitker

Chuck Chambers

Chambers Excavating, LLC
18012 Chambers Drive
Marthasville, MO 63357-2627
District: 2 County: Warren
Phone: 636-433-5566
Fax: 636-433-5556
Cell: 314-280-0504
Work Categories: EMC,EXG,SWU
Sponsor: Winter-Dent & Company

Guy Lassen; Heather

C & L Tiling
6148 State Route A
Fillmore, MO 6449-9111
District: 1 County: Andrew
Phone: 816-487-4002
Cell: 816-261-9809
Sponsor: Jim Bledsoe

Tyler Bledsoe; Rebecca

Bledsoe Farm Custom Bulldozing &
Excavating
19376 County Road 377
Saint Joseph, MO 64505-4095
District: 1 County: Buchanan
Phone: 816-232-9914
Email: bledsoe6907@aol.com
Work Categories: DI,EC,EMC,EXG,LL,
LS,PD,TW
Sponsor: Jim Bledsoe

Roger Wehmeyer; Tammy

Wehmeyer Farms, Inc.
8906 Orf Road
O Fallon, MO 63366-4227
District: 2 County: St. Charles
Phone: 636-332-9198
Fax: 636-332-9292
Cell: 314-574-5517
Work Categories: DI,EC,LS
Sponsor: Winter-Dent & Company

Company

Benchmark Insurers

MLICA contact person: Kevin Harrison
1506 Chapel Hill Road
Columbia, MO 65203-5504
District: 2 County: Boone
Phone: 573-446-5990; 866-446-8800
Fax: 573-446-6110
Cell: 573-489-2850
Email: kevin@benchmarkinsurers.com

Know a contractor who would benefit from membership? Give the MLICA office a call (573-634-3001) and we'll send a prospect packet to them!



May

13 Weldon Tague
15 Rex Cooper
22 Brent Limback
30 Gerald Bauer
31 Guy Lassen
Ozzie Wallace

June

10 Mike Dobson
12 Wayne Scott
18 Kerry Dickemann
19 David Dittmer
22 Charlie Boyer
26 Don Laut
28 Paul Logan
Michael Long

Missouri LICA News is a bi-monthly publication of the Missouri Land Improvement Contractors Association; Deborah Dickens, Executive Director; 1101 West High Street; Jefferson City, MO 65109.

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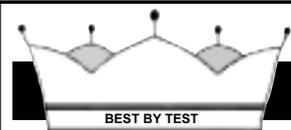
Our hearts and prayers go out to the following LICA families during their time of sorrow.

Herschel Jennings, co-founder and past President of Missouri LICA, passed away on March 20th in Stanberry, MO. He is survived by his wife, Genevieve. Mr. Jennings had not been a member of MLICA for many years, but his influence is still being felt. If you would like to contact his family, you can send any correspondence to: Roberson-Polley Chapel; P.O. Box 153; Stanberry, MO 64489.

Keith Carr, South Dakota LICA, died from exposure March 13, 2005 on his way to the National LICA Convention. Keith had been a long-time member and strong supporter of LICA. If you would like to send your condolences, you can send to Keith's wife at: Marilyn Carr; Keith L. Carr Co., Inc.; 16184 Hwy. 20; Prairie City, SD 57349.

Karyl Stoehr's father passed away on April 9. Karyl is a Company Associate member with Dysart Insurance and has been a part of the Missouri LICA family for many years. If you would like to send Karyl and her family your condolences, please send them to: Karyl Stoehr; 519 East State St.; Marshall, MO 65340.

We received notice that Clyde Day, Illinois LICA, passed away in mid-March while we were attending the National LICA Convention. Clyde and his family have been a definite part of LICA's foundation. Clyde was a very visible part of all our national meetings. His humor and guidance will be sorely missed. If you would like to send your condolences to his wife and family, please send them to Rose Day; Day Drainage; PO. Box 488; Gibson, IL 60936.



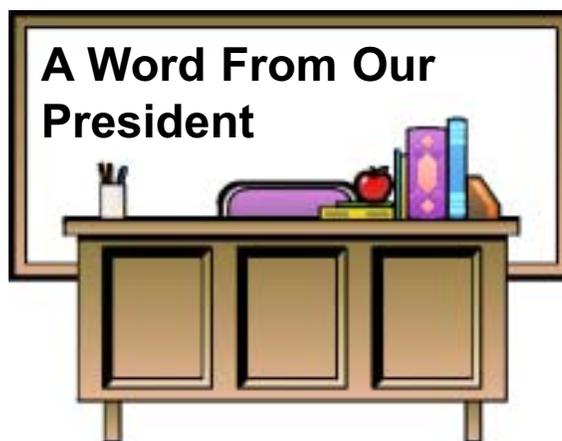
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March 12, I arrived in Las Vegas, NV. Again, I got to see for myself all of the monuments for losers. Did I leave any money? Of course not! I left Vegas with a \$20 profit from the one-armed bandit. But then I had to pay extortion money - about \$27 to get out of the airport parking lot. So, I guess I did lose money.

I guess all of us from Missouri, weathered it well. There was Nelson Wilson, myself, and the two Debbie's ... and, let's see ... there was Nelson and me and Debbie and Debbie ... and then there was me and Nelson and Debbie and Debbie. And, there were two proxies - I never did see them - I guess they must be new.

The CONEXPO-CON/AGG was huge. I haven't seen that much iron in one spot since the last time I was as Schmidt's Salvage at Calwood. I bet Eddie Schmidt's iron doesn't fetch the dollars that the new iron I saw out in Vegas does.

The meetings all went pretty well. Little or no bickering, as I remember. And, with support from several other states, our friends from the north lost again. Speaking of losing, Missouri did not! We were, and thanks to the help of our Executive Director, given recognition for our efforts. The Top State Award was presented to the Show Me State by our new President Harry Hauschild and received by me.

Hope everyone has a great working season and don't forget our summer meeting on July 30. And I hope to see everyone there!

Keep you powder dry!
Eddie

Directory Updates

Junior Eichler, Do-Rite Construction and Excavating has a new address. It is: 17195 Highway 65; Lincoln, MO 65338.

Dave Miguel with G.W. Van Keppel Company has a new email address: davidmiguel@comcast.net



We would like to introduce Missouri Auto Auction to the Missouri Land Improvement Contractors Association. We are proud to have joined LICA and look forward to a promising partnership.

Missouri Auto Auction has been in existence since August of 2000 as a wholesale auto auction for automobile dealerships. The owners, Gregg and Dagmar Boswell, have created a tremendous team; which is why the auction has grown each year. However, we would like to expand the auction even further by diversifying with an equipment sale offered to the public. Missouri Auto Auction wants to be the independently owned equipment auction centrally located in Columbia, MO.

We had our first equipment sale on February 25th, 2005. We offered 135 units and sold 81. Knowing we were not perfect, we have already made changes and improvements for our next sale. It was good for our first sale; however, we are looking to improve and need your assistance. The next sale is **Saturday May 21st, 2005 at 9:00 a.m.**

An employee from Missouri Auto Auction will be in contact with you to discuss our services or to answer any questions you may have. However, if you have any immediate questions you would like answered you can call Tyson at the office 573-886-0032 or on his mobile 573-219-0020.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyson Hash".

Tyson Hash
Equipment Manager

A handwritten signature in black ink, appearing to read "Kevin J. Brown".

Kevin J. Brown
General Manager



More Recognition

For those contractors who could not attend the Awards Banquet at the 2005 Winter Convention, MLICA Districts held Awards Ceremonies to recognize their own members. If you did not get your Membership Award Certificate, please contact your District President or the MLICA office and we'll make sure we get one sent to you!



← At a recent District #4 Meeting, contractors were recognized for their years of loyal membership in MLICA. Pictured from left are: Junior Eichler (8 years), Chick Acker (33 years), Lester Rufenacht (21 years), Dean Yoder (33 years), and Wilfred Kaiser (31 years). Note: This was the last meeting Wilfred Kaiser attended before his death on February 23.



← (Pictured left to right) Steve Milne (17 years) and Rod Schottel (7 years) take a minute to "smile for the camera" at the District #1 Membership Awards Ceremony.

Competent Person Training

As a result of a contractor member's request, Competent Person: Trenching and Excavation Safety Training courses were offered in District #3 (February 18) and District #4 (April 9).

Dave Miguel, General Manager - Underground Division, The G.W. Van Keppel Company served as the instructor for these courses. He did a great job of reminding us of some safety basics, as well as introducing us to some new regulations and concepts.

If you have an idea for some training you'd like your employees (or yourself) to have, just give the Missouri LICA office a call (573-634-3001) and we'll make it happen!



↑ District #4 contractors, their employees, and a few non-member contractors get down to business at the April 9 Trenching and Excavation Safety class.

Cooke Sales & Service JCB Demo Day

Saturday, May 14, 2005 ♦ 10:00am - 2:00pm



↑ The JCB "Dancing Diggers" at the CONEXPO-CON/AGG 2005 Trade Show, Las Vegas, NV

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For more information, contact:
Phil Noel; Cooke Sales & Service; 816-233-2545



Legislative Update

With the 2005 Legislative Session coming to an end on May 13, there has been a traditional flurry of activity. Here are some results you might find interesting:

State Cost-Share - SS/SJR 1

This resolution pertains to the parks and soils tax and was introduced by Senator David Klindt of Bethany, MO. At the time of this writing, the Resolution has passed out of the Senate, out of the House Conservation and Natural Resources Committee, out of the House Rules Committee and is on the House Calendar awaiting its third reading. Below is the joint language which, if passed by both the Senate and the House, will not require the signature of the Governor to become effective. Below is a summary of SS/SJR 1:

This joint resolution modifies the constitution, upon voter approval, by resubmitting the parks and soils tax to the voters every 10 years, beginning in 2006. The resolution would have the tax continue until 2016, provided the voters approve the measure. At that point, the tax would automatically come up for voter approval every ten years. If the tax is not approved by the voters, the tax will terminate at the end of the second fiscal year after the last election has been held. Currently, the tax is set to expire in 2008 without an option for voter approval.

Note: The new language added to this substitute clarifies that the Governor can call a special election for the purpose of voting on the aforementioned tax.

Tort Reform Summary of HB 393

In all tort actions, current law says the suit *may* be brought in the county where the cause of action accrued. This bill provides that venue *shall* be the county where the plaintiff was first injured by the alleged negligence. If the action accrues outside the state, venue is as follows:

- (1) If the defendant is a corporation, venue is the county where the corporation maintains its registered agent, or, if the plaintiff's principal place of residence is in Missouri, venue is the county where the plaintiff resided on the date of the injury.
- (2) If the defendant is an individual, venue is the county where the defendant resides, or, if the plaintiff's principal place of residence is in Missouri, venue is the county where the plaintiff resided at the time of the injury.

Punitive Damage Cap (Sect. 510.265) - Limits punitive damage awards to the greater of \$500,000 or five times the amount of the judgment awarded to the plaintiff. There is no cap if the plaintiff is guilty of a felony arising out of the acts of negligence.

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Peer Review (Sect. 537.035) - Allows long-term care facilities and health care professionals employed by a university to establish a peer review committee. The committee's work would be privileged and inadmissible in court, as is the case for the peer review activities of other health care providers. Also expands the scope of peer review protections to specifically include reports, memoranda, and other review products that are disclosed to other entities, including governmental bodies, professional accrediting agencies, and other health care providers.

Joint and Several Liability (Sect. 537.067) - Defendant is jointly and severally liable only if he or she is found to bear 51% or more of the fault. A defendant less than 51% at fault is responsible only for the amount of damages allocated to such defendant in direct proportion to his or her percentage of fault. A party is responsible for the fault of another person if the other person is an employee. Also, there is no joint and several liability for punitive damages.

Economic Damages (Sect. 537.090) - In wrongful death cases, economic damages would be expanded to include the "value of care provided," which would be equal to 110% of the state's average weekly wage for worker's compensation purposes. This applies only if the deceased was at least 50% responsible for the care of one or more minors, disabled persons, or persons over the age of 65 years. If the decedent was a minor, there is a rebuttable presumption that the minor's pecuniary losses would include lost wages equal to the annual income of his or her parents.

Non-Economic Damages (Sect. 538.205) - Clarifies that nursing homes are considered "health care providers" for the purposes of the tort laws and the non-economic damages cap for improper health care. Also specifies that punitive damages include exemplary damages and aggravating circumstances.

Non-Economic Damages (Sect. 538.210) - Clarifies that no plaintiff shall recover more than \$350,000 in non-economic damages irrespective of the number of defendants (and no automatic inflator). Removes the words "per occurrence" to ensure a single cap and not multiple caps per defendant (*Scott* decision fix), and specifies that no individual or entity shall be liable for the actions of any other entity or individual who is not an employee of that entity or individual. Also specifies that a spouse claiming damages for loss of consortium shall be considered to be the same plaintiff as his or her spouse, and that all individuals asserting a claim for a wrongful death are considered to be one plaintiff.

Venue (Sect. 538.232) - Specifies that for the purposes of determining venue for actions involving improper health care, the plaintiff shall be considered injured only in the county where the plaintiff first received treatment for the medical condition at issue in the case.

Effective Date (Sect. 2) - Specifies that the provisions of this act (except 512.099) apply only to causes of action filed after August 28, 2006.

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Legislative Update (Continued from page 7)

Workers' Compensation Legislation

Approved by Legislature

The Missouri General Assembly has completed its work on Senate Bill 1, which would revise Missouri's workers' compensation system. Gov. Blunt is expected to approve the legislation within the next two weeks.

Senate Bill 1 would enact the broadest reforms in the state's workers' compensation law in the last decade. The changes are broadly designed to reduce workers' compensation costs. Key issues include the following:

- Modifying the legal standard for defining which injuries are covered under the workers' compensation system is changed to require work to be "the prevailing" factor in causing an injury, rather than the current standard of "a substantial" factor.
- Establishing that when inconsistent or conflicting medical opinions exist, objective medical findings shall prevail over subjective complaints of pain. Current law treats both objective and subjective evidence with the same level of relevance.
- Adopting the same burden of proof standard as used in civil cases. Parties, employees or employers, advancing a particular proposition would be required to establish that the claim is more likely true - a 51 percent to 49 percent proposition. Current case law directs litigants to use reasonable probability - a one-in-three proposition.

- Restricting attorneys' fees in workers' compensation cases.
- Increasing the percentage of workers' compensation benefits that can be withheld when an injury is connected to violations of an organization's alcohol and drug policy from the current 15 percent reduction to 50 percent. When an injury is tied to a violation of an organization's safety policy, the current reduction in benefits is increased from 15 percent to 25 percent. Depending on the circumstances, benefits may be reduced as much as 50 percent.

In resolving the differences between the House and Senate versions of the bill, conference committee negotiators did not include an amendment promoted by hospitals and others to ensure that provider payments are not affected by reductions in benefits for a workers' violation of safety or substance abuse policies.

U.S. Senate Rejects Medicaid Cuts

The US Senate voted 52-48 in March to preserve Medicaid funding. The Senate replaced language about Medicaid cuts with language to establish a bi-partisan Medicaid Commission. The vote also showed that a majority of U.S. Senators see the connection between the stability and adequacy of long-term care funding and the quality of care provided to America's frail, elderly, and disabled.

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