

Missouri LICA NEWS

Volume 67, Number 5

The Missouri Land Improvement Contractors Association

July/August, 2008



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Don't Miss It! 2008 Drainage Field Day and Summer Meeting!



It's finally stopped raining long enough in central Missouri for us to host the 2008 Drainage Field Day and Summer Meeting! So, make your plans to join your fellow LICA contractors on **August 20, 21 & 22!**

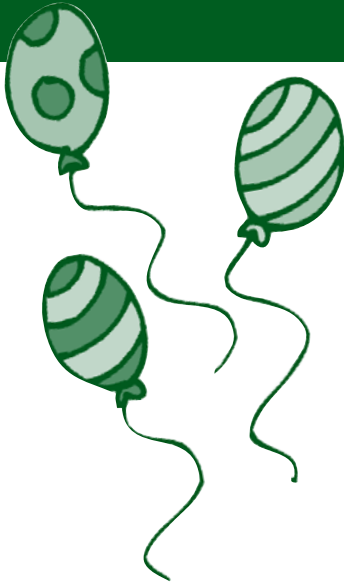
The University of Missouri has invited landowners from around the state to come see our LICA contractors install a sub-surface drainage system ... and we've even heard from landowners in Kansas and Iowa who are planning on attending!

After our field day ends on Friday night, we'll hold our 2008 Summer Meeting while we enjoy some great barbecue provided by MU. If you need directions to Bradford Farms or want to know the agenda for the event, look at your May/June issue of the *Missouri LICA News* ... or look at the "Events" page on our website (www.MLICA.org) ... or call Debbie at the MLICA office (573-634-3001).



This is a great chance for you to introduce yourself to some interested landowners, learn a thing or two about sub-surface drainage and irrigation, as well as voice your opinions at MLICA's business meeting!

Happy Birthday!



August

- 01 Jason Edgar
- 05 Kenna Levings
- 08 Wendy Winters
- 09 Wayne Brown
- 13 Syble Cretzmeyer
- 17 Ken Balkenbusch
- 18 Roger Zink
- 22 Virginia Beckemeyer
- 26 Becky Francis
- 29 Phillip Giffen
Mark Hickenbottom
- 30 Stephen Champlin
- 31 Arvel Lee Schneider

September

- | | | | |
|----|-------------------------------------|----|-----------------|
| 01 | C.L. Richardson | 16 | Rex Combs |
| 02 | Dean Yoder | | Larry Gilson |
| 06 | Albert Balkenbusch | | Lois Haile |
| | Greg Hall | 24 | Brian Flora |
| | Darrin Wilcoxson | 26 | Ginger Matthews |
| 11 | Terry Johnston | 29 | Junior Eichler |
| 13 | Steve Beimdiek | | |
| 14 | John King | | |
| 15 | Brad Kleinsorge
Sanford Reynolds | | |

Directory Changes

Dave Dittmer has a new email address. It is:
ditditch@embarqmail.com.

Lisa Newby is now the contact for **Agri Drain**. The mailing address, phone, fax and email remain the same.

Randy Hobbs is the new contact for **HeavyQuip**, the rest of the contact information remains the same.

Remember ... if you move or change your number, please let the MLICA office know! Just give us a call (573-634-3001) and we'll take it from there!

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With Our Deepest Sympathy

Our deepest sympathy is extended to the friends and families of the following LICA members during their time of sorrow:

Geraldine Epple passed away March 8, 2008 at the age of 90. Her husband, Glennon, was one of Missouri LICA's founding fathers and an honorary member. If you would like to share your memories and/or condolences, you can reach their daughter at: Jeannie Fredrick; 1987 Frene Creek Road; Herman, MO 65041.

Ethel McFarland, mother of Louis McFarland, past National LICA President, passed away June 23, 2008. Memorial contributions may be made to Pickaway Co. Hands for Disabled, 210 Lancaster Pike, Circleville, or Community United Methodist Church, 120 N. Pickaway St, Circleville, OH 43113.

Dale Bodine, former Missouri LICA member, passed away on July 5, 2008. Dale was a very active member of District #6 for many years. Memorials may be given to the Shriner's Hospital, St. Jude Hospital, or Cardinal Glennon Hospital.

Pat Muenks, mother of Missouri LICA member Greg Muenks, passed away on July 31, 2008. Pat and her husband, Joe, (d February 24, 1997) were strong supporters of Missouri LICA for many years. In lieu of flowers, memorials are suggested to the Carmelite Monastery in Jefferson City or to the School Sisters of Notre Dame in St. Louis, Mo.

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DOT Amends Rule to Authorize Transfer of Drug Testing Info to States

The Department of Transportation (DOT) is amending its drug and alcohol testing procedures to authorize employers to disclose to State commercial driver licensing (CDL) authorities the drug and alcohol violations of employees who hold CDLs and operate commercial motor vehicles (CMVs), when a State law requires such reporting. This rule also permits third-party administrators (TPAs) to provide the same information to State CDL licensing authorities where State law requires the TPAs to do so for owner-operator CMV drivers with CDLs. The rule was effective June 13, 2008.

Part 40 - Procedures for Transportation Workplace Drug & Alcohol Testing Programs states:

40.331 - To what additional parties must employers and service agents release information? g) Notwithstanding any other provision of this Part, as an employer of Commercial Motor Vehicle (CMV) drivers holding commercial driving licenses (CDLs) or as a third-party administrator for owner-operator CMV drivers with CDLs, you are authorized to comply with State laws requiring you to provide to

State CDL licensing authorities information about all violations of DOT drug and alcohol testing rules (including positive tests and refusals) by any CMV driver holding a CDL.

DOT issued the interim final rule to be consistent with policy enforcing the existing regulations and to ensure that 49 CFR Part 40 is supportive of such State legislation. The amendment specifies that employers are authorized to respond - without conflict with Part 40 confidentiality requirements - to State law requirements by providing drug and alcohol violation information to State CDL licensing authorities on all CMV drivers with CDLs who are covered by DOT testing rules. This same authorization applies to TPAs for owner-operators, since they are the party in the best position to provide this data if owner-operators choose not to report their own violations. Confidentiality of an employee's test results is a cornerstone of the balance between public safety and employee privacy that is crucial to the Department of Transportation's testing program. [Source: Asmark Institute and MO-AG]

OSHA Amends Rules to Clarify "Individualized Nature"

Employers should take notice of an item that has been added to OSHA's agenda of upcoming rulemaking actions. With this action, OSHA would clarify that when a standard requires the employer to provide personal protective equipment (PPE) to employees, or to train employees, each employee not provided PPE or trained is a separate instance of a violation of the standard.

Many OSHA standards have training requirements. The amendment wouldn't change the standards' substantive requirements in any way and it would add no new regulatory burden; it could, however, mean separate citations for each employee who wasn't trained. OSHA wants employers to understand that when a standard requires employee training, the employer is required to train each individual employee.

The agency maintains that each employee not trained is a separate instance of a violation that may, in appropriate circumstances, be separately cited. The same stance would apply to each employee who needs to wear PPE. An employer could be cited for each employee who is not provided with necessary PPE. The agenda shows that OSHA plans to issue a proposed rule this summer. [Source: Asmark Institute and MO-AG]



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State Cost Share Program Update

As you should know by now, the Missouri Department of Natural Resources Soil Conservation Program began using statewide averages for its cost-share items on July 1, 2008 - the beginning of the state's Fiscal Year (FY) 2009.

When we initially learned of the Department's plans to use statewide averages, instead of county averages, we were suspect. So, members of the Missouri LICA Governmental Relations Committee, along with MLICA President Larry LaFollette, met with Program Director Bill Foster and members of his staff to discuss our concerns. We were very pleased with the reception our concerns received and believe that, once the "kinks" are worked out, the "statewide average" method may be better for our members.

Historically, the counties would gather costs from the previous year and use those to determine a county cost-share figure. Unfortunately, this resulted in the cost figures being a year old. With the statewide averages, DNR, at the central office, can adjust the figures in a more timely fashion, thus responding to market change more quickly.

The state office has researched prices for all items related to the cost-share program and determined average costs for each item, with the exception of earthwork. At this time, earthwork costs are still being established by the County Boards. This may change in the future, as more information is reviewed by the state. Each County Board still has the obligation to establish their own rates, but the state has established a cap for each item.

Bill Foster has said that if actual costs vary greatly from the standards issued, the Commission can easily adjust those figures to reflect the changes without having to wait for another fiscal year to pass.

For example, we have learned from some of our Associate members that we can expect at least two cost increases in tile by the end of the year. How will this effect the state-established cost-share figures? Well, that's up to YOU. If you see that the cost-share prices established and/or adopted by your County Board do not reflect what your actual costs are, you need to contact the Missouri LICA office (573-634-3001). We will compile the information we gather from our members and present it to Bill Foster and/or the Commission for their consideration.

As with any large change to the program, it will take a while to work out the "kinks" in the system. However, it will be in your best interest to get vocal about how these changes are impacting your business. Please let the MLICA office know what you think ... don't just complain to each other!

Another issue relating to the state cost-share program which has been a concern for our members is the amount of "carryover" held in the counties' treasuries. We received a report from DNR which shows that, as of June 30, 2007 (the end of FY 2007), all 114 counties had some carryover. It is estimated that less than 3% of these carryovers funds are generated by the state cost-share funds and/or federal 319 grants. These are funds generated at the local level.

Our concern is not that the counties have a carryover but, rather, the amount and purpose of those funds. At the end of FY 2007, the amount of carryover funds being held at the county level ranged from \$1,478.10 to \$242,023.43! Are these funds being used to replace office equipment? Supplement salaries? Buy office supplies? How about getting more conservation practices on the ground?

There don't seem to be any clear guidelines for how these funds are raised or how they are used. Before the 1/10th cent Soil, Water and State Parks sales tax was established, the counties needed these funds to protect their ability to continue the conservation work they were established to perform. Now, however, with the sales tax being renewed for another 10 years and the automatic placement of its renewal on the ballot, we believe the practice of counties raising and holding "carryover funds" should be addressed by the legislature and/or Commission.

Missouri's FY 2007 closed on June 30, 2008. We expect to have a report on the county carryover by the next issue of this newsletter and will share that information with our members.

If you are concerned about the amount of "carryover funds" the counties are maintaining, please contact the MLICA office (573-634-3001). Do you believe there should be a cap on these funds? Do you believe the counties have the right to compete with private enterprise to raise these funds? Let us hear from you!

Speak Up!

**Your voice
DOES make a difference!**

Food, Conservation and Energy Act of 2008

On June 18, Congress overrode the President's veto on H.R. 6124, the Food, Conservation, and Energy Act of 2008, ensuring that all parts of the Farm Bill are enacted into law. Previously, Congress had passed H.R. 2419 over the President's veto, containing 14 of 15 Farm Bill titles. The bipartisan House vote on H.R. 6124 was 317-109; the Senate vote was 80-14. All of Missouri's Representatives and Senators voted in favor of the bill, with the exception of Representative Hulshoff who did not vote. Below is a summary of the Title II - Conservation portion of that bill. [Source: <http://www.agriculture.house.gov>]

2008 FARM BILL CONSERVATION TITLE:

- **Increases total spending on conservation programs by \$7.9 billion**
- **Extends the Popular Conservation Reserve Program (CRP)**
 - ♦ Authorizes 32 million acres to be enrolled in the program from 2010-2012
 - ♦ Includes a new provision to allow retired landowners participating in CRP to modify their contracts if the land is being transferred to a beginning, limited resource, or socially disadvantaged farmer or rancher. This would allow eligible producers to return some of this land to grazing or crop production
- **Expands the Wetlands Reserve Program (WRP)**
 - ♦ Provides funding to reestablish a baseline of \$1.3 billion and extends the program through 2012
 - ♦ Increases the maximum enrollment to 3,041,200 acres
 - ♦ Creates a Wetlands Reserve Enhancement Program and updates the appraisal process
- **Strengthens the Environmental Quality Incentives Program (EQIP)**
 - ♦ Increases funding for EQIP by \$3.4 billion.
 - ♦ Makes conservation practices related to organic certification and transition eligible for payments
 - ♦ Improves the evaluation process for applications
 - ♦ Establishes the Agricultural Water Enhancement Program (AWEP) to help producers achieve water quality goals and address water quantity concerns
- **Extends the Conservation Security Program (CSP)**
 - ♦ Provides \$1.1 billion in new funding to enroll nearly 13 million acres per year
 - ♦ Expands eligible lands to include private forests
 - ♦ Restructures the program to provide conservation stewardship payments that encourage producers to implement additional conservation practices
 - ♦ Emphasizes attainment of new conservation benefits
- **Provides new resources to protect and restore the Chesapeake Bay Region**
 - ♦ Provides \$438 million in new funding
 - ♦ Helps farmers and ranchers meet stringent regulatory requirements and better contribute to the success of the Bay restoration
- **Extends and Increases Funding for Farm Protection Program (FPP)**
 - ♦ Doubles funding for FPP to \$773 million
 - ♦ Establishes a more user-friendly certification process that will determine eligibility for program funds
 - ♦ Reduces pressure for development on farmland

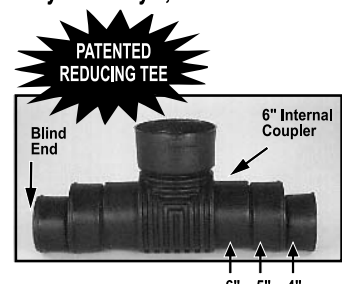
"Farm Bill" >p7

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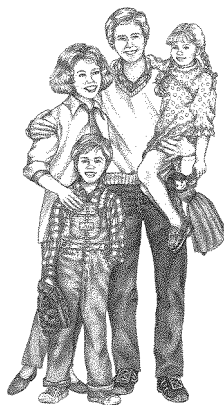
Farm Bill *(from page 6)*

- **Continues and Expands the Grassland Reserve Program**
 - ♦ Adds an additional 1.22 million acres to the Grassland Reserve Program (GRP), which helps landowners protect, restore, and enhance grasslands on their property
 - ♦ Allows for short term contracts and easements, and for cooperative agreements
- **Creates an Open Fields Program to provide incentives to state governments and Indian tribes to provide public access to private land for hunting and fishing**
 - ♦ Provides \$50 million in funding for 2009 through 2012
- **Establishes payment limitations for conservation programs**
 - ♦ Limits EQIP payments to \$300,000 over 6 years, but allows the Secretary to grant waivers to \$450,000 in particular cases
 - ♦ Clarifies the pay-out rate for WRP contracts
 - ♦ Easements of less than \$500,000 paid over 1 to 30 years
 - ♦ Easements of greater than \$500,000 paid over 5 to 30 years
 - ♦ Allows Secretary to grant a waiver and provide lump sum payment on easements over \$500,000
- **Improves cooperation between USDA and outside organizations**
 - ♦ Creates the Cooperative Conservation Program Initiative (CCPI) to better provide assistance to producers
 - ♦ Allows State/local governments, producer groups, and Indian tribes to help carry out programs
- **Reauthorizes the Wildlife Habitat Incentives Program (WHIP)**
 - ♦ Increases cost-share assistance on long-term agreements and provides technical assistance and cost-share assistance to establish and improve wildlife habitat
- **Extends the Small Watershed Rehabilitation Program through 2012**
 - ♦ Reauthorizes the program and includes \$100 million in funding
 - ♦ Provides technical and financial assistance for the rehabilitation of existing small watershed projects that may include upgrading or removing the dams

Prepared by the House Committee on Agriculture

Farm Bill Conservation Program Basics:

- CRP removes marginal croplands from production and encourages environmental enhancement on those lands.
- WRP is a voluntary, non-regulatory, incentive-based program that helps private landowners, farmers and ranchers protect and restore wetlands on their property.
- EQIP offers financial and technical help to assist farmers and ranchers install or implement conservation practices on eligible agricultural land to protect water, air and soil quality as well as wildlife habitat.
- CSP pays farmers who are implementing conservation practices on their working lands. It provides annual payments and increasing financial incentives to encourage the continuation of farming practices that benefit soil, water, and air resources.
- FPP provides matching funds (up to 50 percent of the fair market easement value) to help State, tribal, or local governments and non-governmental organizations purchase development rights to keep productive farm and rangeland in agricultural uses.
- GRP helps landowners restore and protect grassland, rangeland, pastureland, shrubland and certain other lands and provides assistance for rehabilitation.
- WHIP helps landowners develop and improve wildlife habitat primarily on private land.



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Summer Meeting!

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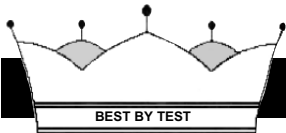
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