

Missouri LICA NEWS

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The Missouri Land Improvement Contractors Association

March/April, 2007



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Sign up a new member today!

Sarah Fast Moving On

by Jessica Bahnsen, Missouri Department of Natural Resources (MDNR)

Sarah Fast, who served as Director of the Soil and Water Conservation Program, has accepted a position within the Department as chief of the Watershed Protection Section as of February 18.

Fast's leadership and institutional memory of the SWC program will be greatly missed. Much of the success of the SWC effort in Missouri has been a result of her leadership and dedication.

Fast began her work in the program as a district coordinator more than 20 years ago. She developed the Special Area Land Treatment Program and worked with the Water Pollution Control Program on ranking 319 applications, as well as the research projects funded through the SWC program.

In 1994, Fast became program director. Under her leadership, the program provided a unified and effective soil conservation

effort for Missouri. Through soil conservation efforts, more than 70 million tons of soil did not erode off cultivated fields; the program processed over 78,000 requests for payments; and Missouri reduced the rate of erosion more than any other state in the country. This all involved close coordination with the Natural Resources Conservation Service, shepherding the 114 local soil and water districts and serving the Soil and Water Districts Commission, which sets the overall policy for soil conservation.

This past year, Fast oversaw the soil conservation portion of the successful renewal of the soil, water and state parks sales tax.

Bill Foster will serve as the interim director of the SWC program beginning February 18.

Soil & Water Commission Receives Award

by Jessica Bahnsen, MDNR

At its annual meeting at Tan-Tar-A Resort on January 31, Allan Johnston, President of the Missouri Association of Professional Soil Scientists (MAPSS), presented the Soil and Water Districts Commission with a special achievement award for their support of the soil survey program in Missouri. Elizabeth

Brown, chair of the Soil and Water Districts Commission, and Roger Hansen, Missouri State Conservationist for the NRCS, accepted the engraved plaques. The cooperative soil survey program in Missouri is one of the best in the nation because of their support.



↑ (from left) Allan Johnston, President of the Missouri Association of Professional Soil Scientists; Elizabeth Brown, Chair of the Soil and Water Districts Commission; and Roger Hansen, Missouri State Conservationist for the Natural Resources Conservation Service

Missouri LICA NEWS



Missouri Land Improvement Contractors Association

The *Missouri LICA NEWS* is the official bi-monthly publication of the Missouri Land Improvement Contractors Association, dedicated to the professional conservation of soil and water.

The *Missouri LICA NEWS* welcomes your comments and articles.

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A Message from MLICA's President

I hope everyone is back to work after such a long hard winter. It started here with an 18 inch snow in December and then, as usual, we got hit with the big ice storm at our Winter Convention at the Lake, causing several speakers to cancel and a few folks to leave early.

But we made the most of it and I believe everyone had a great time. The ladies really outdid themselves Saturday evening with the Jungle theme and Survivor games.

In February, it was a welcome relief to travel to Orlando, Florida for the National LICA winter convention where we voted for a dues reduction with the money to be returned to the state chapter and used to promote membership.

Our new National Executive Vice President, Jerry Biuso, has been busy getting more benefits for members and saving us money

on some old ones. I feel Jerry will be a great asset to LICA.

In March, I attended our Board of Directors meeting held in Jefferson City. We discussed House Bill 159, pertaining to proposed dam safety regulations. There are several members watching this bill closely and are ready to testify against it if needed.

We also planned the Summer Meeting, along with a streambank stabilization field day. A drainage school and drainage field day were also discussed. Our 2008 Winter Convention will be held in Columbia, Mo., with something for everyone.

I would also like to ask our members to keep Debbie's mother, Odie Dickens in your prayers, wishing her a speedy recovery.

Milburn Davis
MLICA President



Just One ... You Can Make It Work!

National LICA has launched it's 2007-08 membership drive ... Just One! If each LICA member will sign up just one new contractor member, our association will become stronger, be able to offer more benefits, and have more influence over the laws and regulations governing your business. But, it takes YOU!

When was the last time you invited a prospect to join you at a District meeting or state meeting? Or talked to a contractor about the benefits you've received from

LICA? If it's been too long, then take a few minutes today to make that contact. It's a fact that the more you put into your association, the more you'll get out of it. While there's a lot of information to be gained from the newsletters, there are volumes more you can learn from your fellow contractors when you attend a District meeting. So, please take some time to make LICA a priority in your business ... sign up a new contractor ... and make your dues work for you! Just One ... it's up to you!

Happy Birthday LICA Members!

April

01 Tim O'Neill
14 Don Scheib
15 Mel Kleinsorge
18 Violet Corbett
19 Marty Dodge
26 Bob Parks
28 Billy Brewster

May

10 Jake Gingerich
13 Weldon Tague
15 Rex Cooper
20 Bruce Johnmeyer
22 Brent Limback
28 Eddie Winters
30 Gerald Bauer
31 Ozzie Wallace

June

08 Ricky Stunz
10 Mike Dobson
10 Don Keener
12 Wayne Scott
19 David Dittmer
22 Charlie Boyer
26 Don Laut
28 Paul Logan
28 Michael Long
29 Dick Rupp
30 Eldon Brinton



Missouri LICA Board Establishes New Committees

At its March 24 meeting, the Missouri LICA Board of Directors established the following committees and goals. If you are interested in participating in these events or have suggestions on , please contact the Committee Chair. We have some great goals for the coming year and need your help to make them work!

2008 Winter Convention Committee

Chair: Jim Bledsoe
816-324-5254

Goal: Select a headquarters hotel and plan the education program for the 2008 Winter Convention to be held in Columbia, Missouri on either January 11 & 12 or January 18 & 19.

Streambank Stabilization Field Day

Chair: Ken Balkenbusch
573-897-3720 or 573-690-1432

Goal: Working with the Missouri Department of Conservation, plan the 2007 Streambank Stabilization Field Day to be held in conjunction with the Summer Meeting on either June 30 or July 28, 2007 in east-central Missouri.

2008 Drainage Field Day

Chair: Jim Bledsoe
816-324-5254

Goal: Working with the University of Missouri - Extension and Greenely Research Center, plan the 2008 Drainage Field Day in Columbia, MO

State Cost-Share

Chair: Eddie Gilmore
573-386-5796 or 573-826-0140

Goal: In order to stop the "fly-by-night" contractor, convince the Soil and Water Commission to re-enact the mandatory requirement for Districts to have proof of full payment to contractor before disbursing cost-share funds to the landowner.

Working with the Soil and Water Commission, reduce the unfair competition contractors face when farmers perform cost-share on land other than their own.

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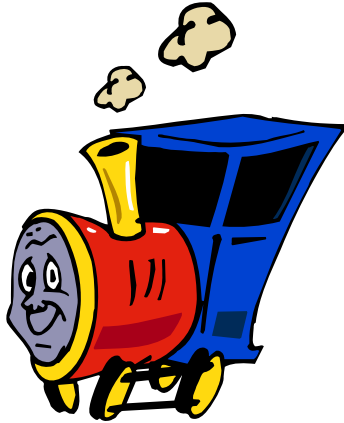
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Welcome Aboard!

We'd like to welcome the following members to Missouri LICA ... and thank the current LICA members who signed them up!

Contractor Member

Roger Zink; Carol
Roger Zink Excavating LLC
7211 Walnut Acres Road
Lohman, MO 65053
District: 5 County: Cole
Phone: 573-782-4143
Cell: 573-690-3993
Sponsor: Matt Kujath;
Winter-Dent & Company



Supporting Member

Dave Owen
37739 W 122nd St.
Richmond, MO 64085-8740
District: 1 County: Ray
Phone: 816-470-8410
Cell: 816-550-0089
Email: dave.owen@mo.usda.gov
Sponsor: Debbie Dickens

Directory Changes

The 2006-07 Missouri LICA Directory has been mailed to our membership. If you have not received your copy, please contact the MLICA office at 573-63-3001.

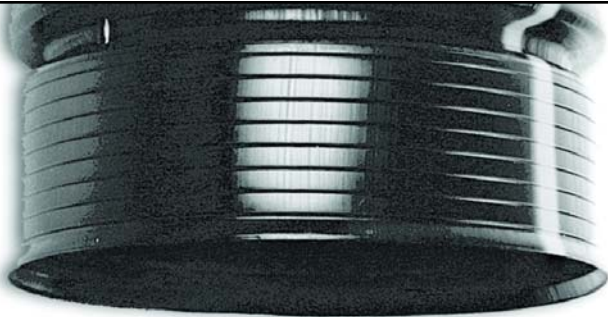
There are additions to the company information for Precision Intakes: The fax number is 641-259-3218 and the sales representatives are Norm, Coretha, and Tim Rozendaal.

Important Information about Your AD&D Insurance Policy

Included with your contractor membership is a \$50,000 Accidental Death and Dismemberment (AD&D) policy. In March, we changed carriers and are now able to offer additional \$50,000 AD&D policies to our contractor members' spouse, children and all employees (both part-time and full-time), for only \$15.00 per policy per membership year.

This is a tremendous savings ... approximately \$100 per policy! If you are looking for a way to reward that long-term hired hand or summer help or want to make sure your family is covered all you have to do is send \$15.00 per policy, along with the full name of the person to be covered, to the MLICA office at 1101 West High Street; Jefferson City, MO 65109!

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2007 Missouri Legislature - Bills of Interest

We'd like to thank our members who called their Representatives and expressed their concerns about the proposed dam regulations. At the time of this newsletter, it looks like the bill is something we could live with, however, it will need to be monitored just as carefully when it gets to the Senate. There are also several other bills of interest to our members. Below are just a few. To track their progress or to get the full text of the bill or summary, go to: www.house.mo.gov or www.senate.mo.gov. The general session ends at 6:00pm on May 18.

HCS HB 159 - Dam and Reservoir Safety

This substitute changes the laws regarding dam and reservoir safety. In its main provisions, the substitute:

- (1) Revises the definition of "dam" to include appurtenant works and dams that are 35 feet or more in height with a storage volume of at least 50 acre-feet of water;
- (2) Defines "high hazard" dams to involve potential loss of human life and "significant hazard" dams to involve potential loss of property and infrastructure in the event of failure;
- (3) Exempts any dam or reservoir that will be used for fireclay quarry reclamation or agricultural purposes from the provisions of the substitute. High hazard dams will be subject to construction permits, operating permits, and registration with the Department of Natural Resources. Certain significant hazard dams with a capacity of holding more than 100 acre-feet of water will require construction permits. Certain dams producing less than 30 megawatts of power that pose no threat of flooding to state property are exempt from the substitute's requirements;

- (4) Requires all dams not exempted from the provisions of the substitute to register with the department. The requirements for registration are specified in the substitute;
- (5) Adds one member to the Dam and Reservoir Safety Council who is an owner of a high hazard or significant hazard dam or reservoir and requires one member of the council to be a registered geologist or a registered engineer with geological experience;
- (6) Specifies that all high hazard dams be inspected every three years, significant hazard dams every five years, and dams operating under the federal Power Act every year to determine if they constitute a threat to public safety. The Chief Engineer of the Department of Transportation and the head of the Dam and Reservoir Safety Program at the Department of Natural Resources must make recommendations concerning construction and operating permits for high hazard and significant hazard dams;

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Legislation *(from page 5)*

(7) Limits the inspection fees to \$450 for high hazard dams and \$250 for significant hazard dams. Fees for dams regulated under the federal Power Act are specified in the substitute. Agricultural dams will be exempt from the inspection fees;

(8) Requires all owners of high hazard or significant hazard dams to first apply for a construction permit prior to beginning work on any structure. The application must include the signature of a geologist or an experienced engineer registered in Missouri;

(9) Requires all owners of high hazard or significant hazard dams to notify the council upon completion of any construction and to apply for an operating permit;

(10) Requires every dam constructed after August 28, 2007, that is not registered to do so within six months, and owners of high hazard and significant hazard dams must apply for an operating permit no later than August 28, 2008. Owners licensed under the federal Power Act must apply for an operating permit no later than three months after August 28, 2007;

(11) Requires the owner of any kind of dam to notify the council of any change in downstream conditions which effects the hazard classification;

(12) Requires an operating permit to be suspended if a high hazard or significant hazard dam is found to present a threat to public safety until the owner has completed all necessary alterations to ensure the protection of public safety;

(13) Allows the transfer of any operating permit to a successive owner of a dam or reservoir along with the notification of the current hazard classification of the dam. Failure to notify the council of the transfer will result in the prior owner retaining responsibility for the dam and being subject to the provisions of the substitute;

(14) Specifies that violations of the provisions of the substitute relating to construction and operating permits for high hazard and significant hazard dams will be punishable as a misdemeanor and subject to a maximum fine of up to \$10,000, jail time of up to one year, or both; and

(15) Requires the Taum Sauk Dam to be monitored by an operator 24 hours a day.

SB 239 - Modifies various provisions relating to the regulation of motor vehicles

Editor's Note: This bill modifies many provisions relating to motor vehicles, below are just a few:

DECLARATIONS - The act authorizes the Director of Revenue to administer oaths to individuals filing declarations, statements or other documents. A signed declaration shall be prima facie evidence that the individual signed the declaration. Any declaration, statement, or other document that is required to be signed under Chapter 301 and Chapter 306 shall be signed in accordance with this provision and regulations (Section 301.007).

SELF-PROPELLED SPRAYERS - This act exempts self-propelled sprayers, floaters, and other forms of implements of husbandry that are used for spraying chemicals or spreading fertilizer from complying with titling, registration and license plate display laws. The exemption from titling, registration, and the display of license plates applies whether the described vehicles are laden or unladen (Section 301.029) . This portion of the act is identical to SB 371 (2007).

“Legislation” >p7

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Legislation *(from page 6)*

EXPUNGEMENT OF RECORDS OF CDL HOLDERS - This act prohibits the expungement of a minor in possession charge for holders of commercial driver's licenses or persons operating commercial motor vehicles at the time of the violation (Section 311.326). The act also provides that no records shall be expunged until 3 years after the date of suspension or revocation, if the person was holding a commercial driver's license at the time of the offense (Section 302.545).

FAILURE TO APPEAR - This act includes failure to appear by a commercial license holder or operator of a commercial motor vehicle as an commercial driver offense requiring indefinite suspension until compliance (Section 302.700 and 302.755).

FAILURE TO STOP FOR SCHOOL BUSES - This act increases driver's license suspension periods for motorists who fail to stop for school buses that are loading or unloading children. Under the act, the suspension period for a first violation for failing to yield for a school bus is increased from 90 days to 120 days. A second or subsequent violation of the school bus stop provision will result in a 180 day suspension (increased from 120 days). This portion of the act is identical to SB 377 (2007)(Section 304.070).

CONSERVATION AGENT/EMERGENCY VEHICLE - This act adds vehicles driven by law enforcement agents of the Department of Conservation to the list of vehicles considered "emergency vehicles". This portion of the act is similar to SB 352 (2007)(Section 304.022).

RESTRICTED LICENSE PLATES - Under this act, any person whose driver's license has been suspended, revoked, or disqualified for a period of not less than 60 days or if the person is denied for alcohol or manslaughter violations under the law, shall immediately surrender his or her current license plates to the director of the

department of revenue for destruction. The person shall be issued a set of restricted license plates that are different in color from regular plates which shall be displayed on the motor vehicle or motor vehicles registered solely or jointly in the person's name for the period of the suspension, revocation, denial, or disqualification.

Under the act, law enforcement officers shall have probable cause to stop any vehicle displaying restricted license plates to determine whether the driver of such vehicle has a valid driver's license or a limited driving privilege.

Under the act, a registered owner of a motor vehicle who has been issued restricted license plates may not sell the motor vehicle during the period the vehicle is required to display the plates unless the registered owner applies to the department of revenue for permission to transfer title to the motor vehicle. If the director is satisfied that the proposed sale is in good faith and for a valid consideration, and that the sale or transfer is not for the purpose of circumventing the provisions of the act, the director may certify its consent to the owner of motor vehicle. Any vehicle acquired by the applicant during the period of restriction shall display the restricted license plates (Section 302.305). This portion of the act is similar to SB 580 (2007).

UTILITY VEHICLES - This act defines the term "utility vehicle" as any motorized vehicle manufactured and used exclusively for off-highway purposes which is 63 inches or less in width, has an unladen dry weight of 1,900 pounds or less, travels on four or six wheels, and is used primarily for agricultural, landscaping, lawn care, or maintenance purposes. Under the act, a utility vehicle shall not be operated upon the highways of this state except:

“Legislation” >p8



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Legislation *(from page 7)*

- (1) Governmental owned and operated utility vehicles for official use;
- (2) Utility vehicles operated for agricultural purposes or industrial on-premise purposes between the official sunrise and sunset;
- (3) Utility vehicles operated occasionally by handicapped persons for short distances only on the state secondary roads between the hours of sunrise and sunset;
- (4) Utility vehicles which have been issued special permits by a city to be used on highways within the city limits by licensed drivers. The city may impose a \$15 fee for such permit; and
- (5) Utility vehicles which have been issued special permits by a county to be used on highways within the county limits by licensed drivers. The county may impose a \$15 fee for the permit.

No person shall operate a utility vehicle:

- (1) In a careless way so as to endanger the person or property of another; or
- (2) While under the influence of alcohol or a controlled substance.

No person shall operate a utility vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording a low-water crossing. A person operating a utility vehicle on a highway shall have a valid operator's or chauffeur's license. The vehicle shall not be operated at a speed of more than 30 miles per hour on a highway. No operator of a utility vehicle shall carry a passenger, except for agricultural purposes, unless the seat of the utility vehicle is designed to carry more than one person. Utility vehicles are exempt from titling and registration.

APPLICATION OF OTHER STATE WEIGHT LIMITS - Under this act, any commercial motor vehicle originating within this state traversing to a neighboring state may operate or move such motor vehicle on a state highway within this state with a weight limit that meets but does not exceed the weight limits of the destination state. If the weight limits of the destination state are less than the weight limits of this state, then the weight limits of this state shall apply (section 1)(SA 10).

SB 155 - Regulates various blasting and excavation activities

This act creates the Missouri Blasting Safety Act.

The act requires individuals who use explosives to have a blaster's license or be supervised by a person with a blaster's license, with exceptions as listed. The act directs the division of fire safety to create a blaster's licensing program. The act lays out qualifications for license applicants, which include completing an approved blaster's training course and passing a licensing examination. Licenses are valid for three years and may be renewed upon the applicant meeting renewal requirements as specified in the act. Blaster's licenses shall be required within 180 days of the division promulgating licensing rules.

The division may suspend or revoke a license in circumstances as described in the act. In such a case, the division shall provide written notice to the individual in question and that individual must surrender all copies of the license to the division as well as cease all blasting activity. The decision to suspend or revoke a license may be appealed by the individual to the state blasting safety

board. Any decision by the board shall be made within thirty days of the date the appeal is received by the board.

License reciprocity is available to individuals holding a valid license or certification from another source within the last three years provided all requirements meet or exceed the provisions laid out in this act. A license may also be granted to anyone employed as a blaster on or before December 31, 2000, and who has accumulated one thousand hours of training or education and experience.

The act specifies additional requirements for blasting activities within a scaled value of 55 (a measurement taking into account distance and the weight of the explosives being used) of an "uncontrolled structure," defined as any dwelling, public building, school, church, commercial building, or institutional building not owned or leased by the blaster. Blasting within this range requires the use of a seismograph, and must comply with federal ground vibration limits (or approved alternate method) and acoustic limits as described in the act.

People intending to use explosives must register with the division of fire safety prior to first use. Those required to register must file an annual report and pay a fee based on the number of pounds of explosives used during the year. There is a minimum fee of \$500 in addition to a fee per ton of explosives used during the year not to exceed \$2 per ton.

The act creates the State Blasting Safety Board. Composed of seven members appointed by the Governor, members shall represent the following areas of interest: municipal director of public works; surface mining operations subject to these provisions; construction operations subject to these provisions; contract blast monitoring service provider; explosives manufacturer or distributor;

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Legislation *(from page 8)*

and the state fire marshal. The board will advise the division of fire safety on administering and enforcing the act's provisions and hold hearings on appeals and notices of violations.

The act creates the Missouri Explosives Safety Act Administration Fund. The state fire marshal shall submit a report to the state blasting safety board annually detailing the revenue in the fund generated by fees, and how that revenue was spent.

Notices of violations and how they shall be issued are detailed in the act. Any person receiving such a notice has the opportunity to request a hearing before the state blasting safety board. Decisions by the board may be appealed to the Administrative Hearing Commission.

The act creates several notification requirements for blasting. Blasters must notify the division of fire safety at least two business days prior to blasting at a new site. Blasters must notify a local fire protection official. Blasting within the jurisdiction of a municipality requires notification of the municipality at least two business days in advance. Owners or occupants of residences or businesses in a municipality located within a scaled value of 55 of the blasting must be notified.

The provisions of this act preempt existing local laws regarding blasting activities although it allows municipalities to regulate blasting within their jurisdictions provided they do not duplicate, exceed or conflict with any of the provisions of this act. St. Charles County is granted an exception and may impose additional regulations on blasting at quarries as defined in the act.

Individuals in violation of any of the act's provisions may be subject to a civil penalty of up to \$2,000 for a first violation and up to \$5,000 for a second or subsequent violation except that anyone blasting without a license shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for a second offense. Anyone convicted of a Class A misdemeanor related to this act shall be permanently banned from obtaining a blaster's license.

SB 484 - Revises procedure for conducting commercial motor vehicle roadside inspections and requires certain vehicle owners to verify registration with motor carrier services in order to obtain or renew license plates

This act requires owners of commercial motor vehicles with a licensed gross weight over 50,000 pounds to submit proof that they are registered with the division of motor carrier services prior to obtaining or renewing license plates for such vehicles.

This act requires the State Highway Patrol to establish a program to certify local law enforcement officers with respect to enforcing commercial motor vehicle laws. The certification procedures established by the highway patrol shall include training, testing, on-the-job experience, data collection and other prescribed components. The certification procedures shall meet the requirements established by the Commercial Vehicle Safety Alliance (CVSA). The Highway Patrol is authorized to establish reasonable fees to cover the costs of training and certification.

Beginning January 1, 2008, no law enforcement officer may make an arrest, issue a citation or conduct a commercial motor vehicle roadside inspection to determine compliance with the applicable commercial motor vehicle laws unless the law enforcement officer has satisfactorily completed a basic training course developed by CVSA and has been certified by the Highway Patrol.

Beginning January 1, 2008, only law enforcement officers that have been certified by the Missouri State Highway Patrol under the act, members of the Missouri State Highway Patrol, regularly employed maintenance men of the Department of Transportation, or commercial vehicle enforcement officers shall have the authority to conduct random roadside examinations or inspections to determine compliance with the commercial motor vehicle weight and size limit laws (Sections 304.170 to 304.230), and only such officers shall have the authority, with or without probable cause to believe that the size or weight is in excess of that permitted by the law, to require the driver, operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a location to determine compliance with the law. A law enforcement officer not certified under the act, however, may stop a vehicle that has a visible external safety defect that could cause immediate harm to the traveling public. In the course of a stop, the law enforcement officer shall identify to the driver the defect that caused the stop.

If the vehicle passes the roadside inspection, the law enforcement officer, state highway patrolman, or other authorized person shall issue the operator, driver, owner, lessee, or bailee of such vehicle a Commercial Vehicle Safety Alliance inspection decal to be affixed to the vehicle in a manner prescribed by the superintendent. Once issued, the decal shall be valid for a period not to exceed three consecutive months and shall exempt the vehicle from further inspection during such period. However, nothing shall exempt the operator from subjecting such vehicle to an examination or inspection if the vehicle has a visible external safety defect or the law enforcement officer at hand has probable cause to believe that the size or weight of the vehicle is in excess of that permitted by the law. The act authorizes the superintendent of the Missouri State

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Legislation *(from page 9)*

Highway Patrol to promulgate rules and regulations regarding the size and placement of the sticker and any ancillary issues related to the issuance, display, or use of the decal.

SB 101 - Modifies numerous penalties for violations of motor vehicle licensing, registration, and equipment laws

The act makes certain motor vehicle registration violations punishable as infractions. The fine for the enumerated motor vehicle registration violations shall not be less than \$5 nor more than \$500. The current law provides that certain motor vehicle registration violations are punishable by imprisonment in the county jail for a term not exceeding one year or by a fine of not less than \$5 or more than \$500, or by both (Section 301.440).

Under the act, violations of Missouri's ATV titling and registration laws are punishable as infractions (Section 301.716).

Under the act, failure to secure truck load violations are punished as infractions rather than class C misdemeanors (Section 307.010).

Under the act, the punishment for a mud flap violation is changed from a Class B misdemeanor to an infraction (Section 307.015).

Under the act, the punishment for a spotlight violation is changed from a Class C misdemeanor to an infraction (Section 307.090). The act further provides that violations of certain motor vehicle lighting regulations shall be punishable as infractions rather than misdemeanors (Section 307.120).

Under the act, the punishment for improperly lighting or marking an animal-driven vehicle is changed from a Class C misdemeanor to an infraction (Section 307.125).

Under the act, the punishment for certain motor vehicle safety glass violations is changed from a Class C misdemeanor to an infraction (Section 307.155).

Under the act, the punishment for altering the front or rear of a motor vehicle or operating a motor vehicle without proper bumpers is changed from a Class C misdemeanor to an infraction (Section 307.172).

Under the act, the punishment for a window tinting violation is changed from a Class C misdemeanor to an infraction (Section 307.173).

Under the act, the punishment for operating a motorized bicycle without a license or operating a motorized bicycle upon an interstate highway is changed from a Class C misdemeanor to an infraction (Section 307.915).

Under the act, the punishment for an ATV equipment violation is changed from a Class C misdemeanor to an infraction (Section 307.198).

Under the act, the punishment for violating certain motor vehicle inspection station regulations is changed from a misdemeanor to a Class C misdemeanor (Section 307.365).

Under the act, the punishment for school bus inspection violations is changed from a misdemeanor to a Class C misdemeanor (Section 307.375).

Under the act, the punishment for violating Missouri's motor vehicle safety inspection regulations is changed from a misdemeanor to an infraction (Section 307.390).

Under the act, the punishment for violating certain commercial motor vehicle regulations is changed from a Class B misdemeanor to an infraction (Section 307.400).

This act provides that for an infraction, all court costs, fees, surcharges, and other charges shall be assessed in the same manner and amount as for a misdemeanor (Section 488.006).

Under this act, an offense is an infraction if it is designated as one, or if a violation can result only in a fine, forfeiture, or other civil penalty. A determination of whether an infraction has occurred shall be made by the filing of a civil action. The action shall be filed by a person who is authorized to bring a criminal action or an action to enforce an ordinance. The action will be brought in the name of the state or the appropriate political subdivision. An infraction violation shall be proved by a preponderance of the evidence but shall not be tried by a jury. If an infraction violation is proven, judgment shall be entered for the plaintiff.

This act requires any driver to stop on signal of any law enforcement officer and to obey any reasonable signals of such officer given in the course of enforcing any infraction. Any person who fails or refuses to obey any such signal or who resists an officer while enforcing any infraction, shall be guilty of a Class A misdemeanor (Section 556.021).

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Legislation *(from page 10)*

SB 364 - Prohibits counties from enacting public health ordinances addressing farming activities and exempts farms and farming activities from suits of trespass in certain circumstances

This act prohibits any county public health order, ordinance, rule, or regulation from applying to agricultural operations.

Under current law, farms and farming-related activities are protected against nuisance suits resulting from changed conditions in land around the farm, provided the farm or activity has been in existence at least one year and has not previously been found a nuisance. This act adds protection from suits of trespass for farms and farming activities under the same conditions. Additionally, current law allows farms and farming-related activities to reasonably expand and still

retain their protected status against nuisance suits, provided the farm or farming activity meets certain criteria as specified. This act allows farms and farming-related activities to also reasonably diversify or modernize under similar criteria and remain protected against suits of nuisance and trespass.

The act protects farms and farming-related activities from suits of nuisance or trespass for any condition resulting from, but not limited to, the acts of planting, cultivating, harvesting, mowing, applying pesticides or herbicides, land clearing, livestock management, or construction of farm roads, lakes, and ponds.

Farms or farming-related activities are not protected from suits of nuisance or trespass resulting from negligent conduct.

The act removes a provision stating that state regulation of certain concentrated animal feeding operations shall not be construed as restricting local control over concentrated animal feeding operations.

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