

By: Representatives Wallace, Evans,
Montgomery (15th), Robinson (63rd), Watson,
West

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 809

1 AN ACT TO AMEND SECTIONS 31-3-14 AND 73-59-3, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE FOR THE DISTRIBUTION OF A PORTION OF
3 RESIDENTIAL BUILDER FEES TO THE MISSISSIPPI HOUSING INSTITUTE; AND
4 FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 31-3-14, Mississippi Code of 1972, is
7 amended as follows:

8 31-3-14. (1) In addition to the fees required for
9 application and renewal for certification and registration of all
10 contractors in Section 31-3-13, all holders of a certificate of
11 responsibility shall pay a fee equal to One Hundred Dollars
12 (\$100.00) at the time of application or renewal of certificates of
13 responsibility. Any residential builder licensed under the
14 provisions of Section 73-59-1 et seq. shall not be exempt from the
15 fee imposed under this section. The revenue derived from such
16 additional fees shall be deposited into a fund to be known as the
17 "Construction Education Fund," a special fund created in the State
18 Treasury, and distributed by the State Board of Contractors
19 created in Section 31-3-3, to the Mississippi Construction
20 Education Foundation, public high schools and community colleges
21 that participate in the Mississippi Construction Education
22 Foundation's "school-to-work" program, state universities that
23 have construction technology programs, the Mississippi Housing
24 Institute and certain construction educational trusts approved by
25 the State Board of Contractors in the manner hereinafter provided
26 to offer courses for construction education and construction craft
27 training to meet the needs of the construction industry of the
28 State of Mississippi. The revenue derived from such additional



29 fees of residential builders licensed under the provisions of
30 Section 73-59-1 et seq. shall be Fifty Dollars (\$50.00) per
31 license and shall be distributed to the Mississippi Housing
32 Institute.

33 (2) The State Board of Contractors shall, on an annual
34 basis, solicit from the Mississippi state institutions of higher
35 learning, all the public community and junior colleges, the
36 Mississippi Construction Education Foundation, public high schools
37 that participate in the Mississippi Construction Education
38 Foundation's "school-to-work" program and certain construction
39 educational trusts, applications for the use of such funds in
40 construction education and craft training programs in a manner
41 prescribed by the board. The board may appoint a technical
42 advisory committee to advise the board on the most needed areas of
43 construction education and craft training, continuing education or
44 research relating to the construction education and craft training
45 in the state, based on significant changes in the construction
46 industry's practices, economic development or on problems costing
47 public or private contractors substantial waste. The board shall
48 ensure that the monies distributed from this fund are properly
49 spent to promote construction education and craft training in
50 programs in the state which are approved by the board. At least
51 seventy-five percent (75%) of the monies distributed by the board,
52 pursuant to this section, must be used for construction craft
53 training with the exception of the Mississippi Housing Institute.

54 (3) Each university, junior college, community college, the
55 Mississippi Construction Education Foundation, public high school
56 that participates in the foundation's "school-to-work" program and
57 construction educational trust receiving funds pursuant to this
58 section for construction education or construction craft training
59 programs shall utilize such funds only for construction education
60 and craft training curricula and program development, faculty
61 development, equipment, student scholarships, student



62 assistantships, and for continuing education programs related to
63 construction education and craft training. Such funds shall not
64 be commingled with the normal operating funds of the educational
65 institution, regardless of the source of such funds.

66 (4) The State Board of Contractors shall ensure the
67 distribution of reports and the availability of construction
68 education programs established pursuant to this section to all
69 segments of the construction industry that are subject to the fee
70 provided under this section. The board shall cause a report to be
71 made to the Legislature in October of each year, summarizing the
72 allocation of funds by institution or program and summarizing the
73 new projects funded and the status of previously funded projects.

74 (5) All monies deposited into the Construction Education
75 Fund shall be used exclusively for construction education and
76 craft training, and any unspent funds at the end of the fiscal
77 year shall not revert to the General Fund of the State Treasury
78 but shall be available for construction education and craft
79 training in subsequent fiscal years.

80 (6) All monies deposited into the Construction Education
81 Fund collected from residential builders licensed under the
82 provisions of Section 73-59-1 et seq. shall be used exclusively
83 for licensed home builders' education and professional development
84 and any unspent funds at the end of the fiscal year shall not
85 revert to the General Fund of the State Treasury but shall be
86 available for construction education and craft training in
87 subsequent fiscal years.

88 (7) All expenditures from the Construction Education Fund
89 shall be by requisition to the State Auditor, signed by the
90 executive secretary of the board and countersigned by the chairman
91 or vice chairman of the board, and the State Treasurer shall issue
92 his warrants thereon.

93 **SECTION 2.** Section 73-59-3, Mississippi Code of 1972, is
94 amended as follows:



95 73-59-3. (1) Except as otherwise provided in Section
96 73-59-15, persons who perform residential construction or
97 residential improvement shall be licensed by the board annually,
98 and, as a prerequisite to obtaining a license or renewal thereof,
99 each shall submit to the board:

100 (a) Proof of workers' compensation insurance, if
101 applicable;

102 (b) A federal employment identification number or
103 social security number.

104 (2) The board shall not require liability insurance to be
105 licensed under this chapter but if a licensee has liability
106 insurance it shall be reflected on the certificate of licensure.

107 (3) The board shall issue or renew a license to a
108 residential builder or remodeler upon payment to the board of the
109 license fee. The initial license fee shall be Fifty Dollars
110 (\$50.00). The license fee may thereafter be increased or
111 decreased by the board and cannot exceed One Hundred Dollars
112 (\$100.00); however, the receipts from fees collected by the board
113 shall be no greater than the amount required to pay all costs and
114 expenses incurred by the board in enforcing the provisions of this
115 chapter. All fees collected under this chapter shall be deposited
116 into the special fund in the State Treasury known as the "State
117 Board of Contractor's Fund" created pursuant to Section 31-3-17
118 and shall be used * * * for the administration and enforcement of
119 this chapter and as provided in Section 31-3-14. Amounts in such
120 fund shall not lapse into the State General Fund at the end of a
121 fiscal year. Interest accrued to such fund shall remain in the
122 fund. All expenditures from the special fund shall be by
123 requisition to the Department of Finance and Administration,
124 signed by the executive secretary of the board and countersigned
125 by the chairman or vice chairman of the board.

126 (4) The license shall expire on the last day of the twelfth
127 month following its issuance or renewal and shall become invalid



128 unless renewed. The board shall notify by mail every licensee
129 under this chapter of the date of the expiration of his license
130 and the amount of the fee required for renewal of the license for
131 one (1) year. Such notice shall be mailed within thirty (30) days
132 prior to the expiration date of the license. The failure on the
133 part of any licensee to renew his license annually in such twelfth
134 month shall not deprive such licensee of the right of renewal,
135 provided that renewal is effected within one hundred twenty (120)
136 days after the expiration date of the license by payment of the
137 license fee plus a penalty of ten percent (10%) of the license
138 fee. A new license required to replace a revoked, lost, mutilated
139 or destroyed license may be issued, subject to the rules of the
140 board, for a charge of not more than Twenty-five Dollars (\$25.00).

141 (5) Any person who is not a resident of the State of
142 Mississippi who desires to perform residential construction or
143 residential improvement shall be licensed to perform such
144 construction or improvement as provided by this chapter.

145 **SECTION 3.** This act shall take effect and be in force from
146 and after July 1, 2003.

