

By: Representatives Brown, Mayo,
Whittington, Akins, Rogers (14th)

To: Judiciary B

HOUSE BILL NO. 796

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. Twenty-five Dollars (\$25.00) of the fee

29 required by this section which is assessed to residential builders
30 licensed under the provisions of Section 73-59-1 et seq. shall be
31 distributed to the Mississippi Housing Institute.

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

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

62 construction education and craft training. Such funds shall not
63 be commingled with the normal operating funds of the educational
64 institution, regardless of the source of such funds.

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

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

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

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

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

94 73-59-3. (1) Except as otherwise provided in Section
95 73-59-15, persons who perform residential construction or
96 residential improvement shall be licensed by the board annually,
97 and, as a prerequisite to obtaining a license or renewal thereof,
98 each shall submit to the board:

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

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

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

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

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

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

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

144 **SECTION 3.** This act shall take effect and be in force from
145 and after July 1, 2004.