

By: Guice

To: Judiciary B

HOUSE BILL NO. 175
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 31-3-14 AND 73-59-3, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE USE AND DISTRIBUTION OF THE
3 CONSTRUCTION EDUCATION FUND; AND FOR RELATED PURPOSES.

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

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

7 31-3-14. (1) In addition to the fees required for
8 application and renewal for certification and registration of all
9 contractors in Section 31-3-13, all holders of a certificate of
10 responsibility shall pay a fee equal to One Hundred Dollars
11 (\$100.00) at the time of application or renewal of certificates of
12 responsibility. Any residential builder licensed under the
13 provisions of Section 73-59-1 et seq. shall be exempt from the fee
14 imposed under this section. The revenue derived from such
15 additional fees shall be deposited into the "Construction
16 Education Fund," a special fund hereby created in the State
17 Treasury, and distributed by the State Board of Contractors
18 created in Section 31-3-3, to public high schools and community
19 colleges that participate in Mississippi Construction Education
20 Foundation's "school-to-work" program and state universities that
21 have construction technology programs and certain construction
22 educational trusts approved by the State Board of Contractors in
23 the manner hereinafter provided to offer courses for construction
24 education and construction craft training to meet the needs of the
25 construction industry of the State of Mississippi.

26 (2) The State Board of Contractors shall, on an annual

basis, solicit from the Mississippi state institutions of higher learning, all the public community and junior colleges, the Mississippi Construction Education Foundation, public high schools that participate in the Mississippi Construction Education Foundation's "school-to-work" program and certain construction educational trusts, applications for the use of such funds in construction education and craft training programs in a manner prescribed by the board. The board may appoint a technical advisory committee to advise the board on the most needed areas of construction education and craft training, continuing education or research relating to the construction education and craft training in the state, based on significant changes in the construction industry's practices, economic development or on problems costing public or private contractors substantial waste. The board shall ensure that the monies distributed from this fund are properly spent to promote construction education and craft training in programs in the state which are approved by the board. At least seventy-five percent (75%) of the monies distributed by the board, pursuant to this section, must be used for construction craft training.

(3) Each university, junior college, community college, the Mississippi Construction Education Foundation, public high schools that participate in the foundation's "school-to-work" program or construction educational trust receiving funds pursuant to this section for construction education or construction craft training programs shall utilize such funds only for construction education and craft training curricula and program development, faculty development, equipment, student scholarships, student assistantships, and for continuing education programs related to construction education and craft training. Such funds shall not be commingled with the normal operating funds of the educational institution, regardless of the source of such funds.

(4) The State Board of Contractors shall ensure the

60 distribution of reports and the availability of construction
61 education programs established pursuant to this section to all
62 segments of the construction industry that are subject to the fee
63 provided under this section. The board shall cause a report to be
64 made to the Legislature in October of each year, summarizing the
65 allocation of funds by institution or program and summarizing the
66 new projects funded and the status of previously funded projects.

67 (5) All monies deposited into the "Construction Education
68 Fund" shall be used exclusively for construction education and
69 craft training and any unspent funds at the end of the fiscal year
70 shall not revert to the General Fund of the State Treasury but
71 shall be available for construction education and craft training
72 in subsequent fiscal years.

73 (6) All expenditures from the "Construction Education Fund"
74 shall be by requisition to the State Auditor, signed by the
75 executive secretary of the board and countersigned by the chairman
76 or vice chairman of the board, and the State Treasurer shall issue
77 his warrants thereon.

78 SECTION 2. Section 73-59-3, Mississippi Code of 1972, is
79 amended as follows:

80 73-59-3. (1) Except as otherwise provided in Section
81 73-59-15, persons who perform residential construction or
82 residential improvement shall be licensed by the board annually,
83 and, as a prerequisite to obtaining a license or renewal thereof,
84 each shall submit to the board:

85 (a) Proof of workers' compensation insurance, if
86 applicable;

87 (b) A federal employment identification number or
88 social security number.

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

92 (3) Any person engaged in residential construction or

93 residential improvement on or before July 1, 1995, shall be duly
94 licensed by the board, without examination, after paying the
95 required license fee by submitting to the board not later than
96 January 31, 1999:

97 (a) The information described in subsections (1) and
98 (2) of this section; and

99 (b) (i) A sworn affidavit showing that such person has
100 constructed or improved a minimum of five (5) residential homes or
101 ten (10) apartment units, along with a description and location of
102 such homes or apartment units and the names and addresses of the
103 persons or owners for whom such homes or apartment units were
104 constructed; or

105 (ii) Proof that such person holds a valid license
106 or certificate of responsibility for general construction issued
107 by the board.

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

(5) The license shall expire on the last day of the twelfth month following its issuance or renewal and shall become invalid unless renewed. The board shall notify by mail every licensee under this chapter of the date of the expiration of his license and the amount of the fee required for renewal of the license for one (1) year. Such notice shall be mailed within thirty (30) days prior to the expiration date of the license. The failure on the part of any licensee to renew his license annually in such twelfth month shall not deprive such licensee of the right of renewal, provided that renewal is effected within one hundred twenty (120) days after the expiration date of the license by payment of the license fee plus a penalty of one hundred percent (100%) of the license fee. A new license required to replace a revoked, lost, mutilated or destroyed license may be issued, subject to the rules of the board, for a charge of not more than Twenty-five Dollars (\$25.00).

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

(7) Any person licensed under this chapter shall also pay the fee required in Section 31-3-14.

SECTION 3. This act shall take effect and be in force from and after July 1, 2000.