

NOTICE OF PROPOSED RULE ADOPTION

FILED
APR 27 2009
MISSISSIPPI
SECRETARY OF STATE

STATE OF MISSISSIPPI
BOARD OF CONTRACTORS

Mississippi State Board of Contractors
c/o John M. Sullivan, II, Executive Secretary
215 Woodline Drive
Jackson, Mississippi 39232
(601) 354-6161
info@msboc.us or www.msboc.us

Specific Legal Authority authorizing the promulgation of Rule: Miss. Code Ann. §31-3-13(f) (1972, as amended) grants the power and responsibility to the Board to adopt rules and regulations setting forth the requirements for certificates of responsibility, the revocation or suspension thereof, and all other matters concerning same; rules and regulations governing the conduct of the business of the board and its employees; and such other rules and regulations as the board finds necessary for the proper administration of this chapter.

Reference to Rules repealed, amended or suspended by the Proposed Rule: 50 023 001. Rules and Regulations – Commercial. Rule 1.i. An applicant for a new certificate shall furnish the Board with at a minimum a reviewed financial statement completed within the prior twelve (12) months on a form prescribed by the Board, prepared and signed by a certified public accountant, stating the assets, liabilities and net worth of the person, firm, partnership, co-partnership, or corporation. Such statement will be used by the Board to determine the financial responsibility of the applicant to perform work in the amount of Fifty Thousand Dollars (\$50,000.00) or more with respect to public projects or One Hundred Thousand Dollars (\$100,000.00) or more with respect to private projects. Assets of applicants for major classifications must include a net worth of at least Fifty Thousand Dollars (\$50,000.00). Assets of all other applicants must include a net worth of at least Twenty Thousand Dollars (\$20,000.00). The financial statement and any information contained therein, as well as any other financial information required to be submitted by an applicant, shall be confidential. All applicants for renewal shall meet the same requirements set forth above except that the financial statement need not be a reviewed statement, but it must be on a form(s) prescribed by the Board.

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

The Mississippi Board of Contractors is a licensing agency whose purpose is to protect the health, safety and general welfare of all persons dealing with those who are engaged in the vocation of contracting and to afford such persons an effective and practical protection against incompetent, inexperienced, unlawful and fraudulent acts of contractors pursuant to Miss Code Ann. §31-3-1, *et seq.* (1972, as amended). In order to fulfill the statutory purpose of the agency, the Board of Contractors must assess the financial responsibility of the certificate holder to perform work in the amount of Fifty Thousand Dollars (\$50,000.00) or more with respect to Public Projects or One Hundred Thousand Dollars (\$100,000.00) or more with respect to private projects. Therefore, upon request for renewal of a Certificate of Responsibility, the Board requires a reviewed financial statement from certificate holders performing work that is equal to or greater than One Million Dollars (\$1,000,000.00) per year or a balance sheet prepared in accordance with generally accepted accounting principles from certificate holders performing work that is less than One Million Dollars (\$1,000,000.00) per year.

This rule is proposed as a Final Rule, and/or a Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: {Insert Date} Time: {Insert Time} Place: {Insert Place}

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least ____ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

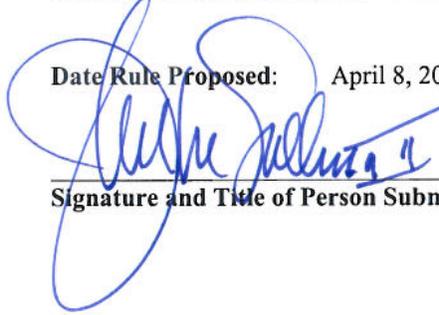
The agency has determined that an economic impact statement is not required for this rule, or

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: April 8, 2009

Proposed Effective Date of Rule: October 8, 2009


Signature and Title of Person Submitting Rule for Filing *Exec. Dir.*