

NOTICE OF RULE ADOPTION—FINAL RULE



STATE OF MISSISSIPPI
BOARD OF CONTRACTORS

MISSISSIPPI
SECRETARY OF STATE

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Reference to Rules repealed, amended or suspended by the Proposed Rule 50 023 001.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.

Date Rule Proposed: April 8, 2009

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.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

SOS FORM APA 002
Effective Date 07/29/2005

An oral proceeding was held on this rule:

Date: {Insert Date}
Time: {Insert Time}
Place: {Insert Place}

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

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

Effective Date of Rule: October 8, 2009



John M. Sullivan, II, Executive Secretary