

By: Representative Capps

To: Universities and  
Colleges; Ways and  
Means

## HOUSE BILL NO. 105

1 AN ACT TO AMEND SECTION 75-76-34, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE STATE INSTITUTIONS OF HIGHER LEARNING AND PUBLIC  
3 COMMUNITY/JUNIOR COLLEGES TO OFFER CERTAIN LIMITED COURSES; TO  
4 PROVIDE THAT IN CERTAIN CASES STATE INSTITUTIONS OF HIGHER  
5 LEARNING AND PUBLIC COMMUNITY/JUNIOR COLLEGES OFFERING SUCH  
6 COURSES SHALL NOT BE SUBJECT TO REGULATION BY THE MISSISSIPPI  
7 GAMING COMMISSION; TO AMEND SECTIONS 75-76-55, 37-101-13, 37-29-1  
8 AND 37-29-63, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
9 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 75-76-34, Mississippi Code of 1972, is  
12 amended as follows:

13 75-76-34. (1) Except as otherwise provided in this section,  
14 the Mississippi Gaming Commission is authorized to regulate all  
15 schools or training institutions that teach or train gaming  
16 employees. Such schools shall only be located in counties where  
17 gaming is legal aboard a cruise vessel or vessel or in counties  
18 where cruise vessels were legally operating out of a port at the  
19 time of passage of the Mississippi Gaming Control Act pursuant to  
20 Section 19-3-79, unless the schools, courses or training is  
21 offered by a state institution of higher learning or a public  
22 community/junior college. No such school shall be located on  
23 publicly owned property unless the property is under the  
24 jurisdiction of the Board of Trustees of State Institutions of  
25 Higher Learning or a public community/junior college, and, except  
26 as otherwise provided in this section, no public school shall  
27 teach or train persons to be gaming employees. The gaming  
28 activities of schools or training institutions regulated by the  
29 commission and of those schools or training institutions excepted

30 from such regulation or partially regulated, as provided in this  
31 section, shall be deemed to be legal under the laws of the State  
32 of Mississippi. Any person desiring to operate a school or  
33 training institution must file a license application with the  
34 executive director to be licensed by the commission.

35 (2) The commission may adopt regulations it deems necessary  
36 to regulate schools and training institutions, other than state  
37 institutions of higher learning and public community/junior  
38 colleges. These regulations shall, without limiting the general  
39 powers of the commission, include the following:

40 (a) Prescribing the method and form of application  
41 which any applicant for a school or training institution must  
42 follow and complete before consideration of his application by the  
43 executive director or commission.

44 (b) Prescribing the information to be furnished by the  
45 applicant relating to his employees.

46 (c) Requiring fingerprinting of the applicant,  
47 employees and students of the school or institution or other  
48 methods of identification and the forwarding of all fingerprints  
49 taken pursuant to regulation of the Federal Bureau of  
50 Investigation.

51 (d) Requiring any applicant to pay all or part of the  
52 fees and costs of investigation of the applicant as may be  
53 determined by the commission.

54 (e) Prescribing the manner and method of collection and  
55 payment of fees and costs and issuance of licenses to schools or  
56 training institutions.

57 (f) Prescribing under what conditions a licensee  
58 authorized by this section may be deemed subject to revocation or  
59 suspension of his license.

60 (g) Defining the curriculum of the school or training  
61 institution, the games and devices permitted, the use of tokens  
62 only for instruction purposes, and the method of operation of  
63 games and devices.

64 (h) Requiring the applicant to submit its location of  
65 the school or training institution, which shall be at least four  
66 hundred (400) feet from any church, school, kindergarten or

67 funeral home. However, within an area zoned commercial or  
68 business, the minimum distance shall not be less than one hundred  
69 (100) feet.

70 (i) Requiring that all employees and students of the  
71 school or training institution be at least twenty-one (21) years  
72 of age and be a resident of the State of Mississippi.

73 (j) Requiring all employees and students of the school  
74 or training institution to wear identification cards issued by the  
75 commission while on the premises of the school or training  
76 institution.

77 (k) Requiring the commission to investigate each  
78 applicant, employee and student and determine that the individual  
79 does not fall within any one (1) of the following categories:

80 (i) Is under indictment for, or has been convicted  
81 in any court of, a felony;

82 (ii) Is a fugitive from justice;

83 (iii) Is an unlawful user of any controlled  
84 substance, is addicted to any controlled substance or alcoholic  
85 beverage, or is an habitual drunkard;

86 (iv) Is a mental defective, has been committed to  
87 a mental institution, or has been voluntarily committed to a  
88 mental institution on more than one (1) occasion;

89 (v) Has been discharged from the Armed Forces  
90 under dishonorable conditions; or

91 (vi) Has been found at any time by the executive  
92 director or commission to have falsified any information.

93 (3) State institutions of higher learning may offer credited  
94 courses in casino management, auditing and security in fulfillment  
95 of a degree in general business management, hotel and motel  
96 management, food and beverage management, accounting and criminal  
97 justice. State institutions of higher learning are not subject to  
98 regulation by the commission for the purposes of this subsection.

99 (4) State institutions of higher learning and public

100 community/junior colleges may offer courses related to casino  
101 hospitality services, cage and count operations, and slot machine  
102 maintenance. Slot maintenance training may be performed only on  
103 equipment approved by the commission for training purposes only.  
104 State institutions of higher learning and public community/junior  
105 colleges are not subject to regulation by the commission for the  
106 purposes of this subsection.

107 SECTION 2. Section 75-76-55, Mississippi Code of 1972, is  
108 amended as follows:

109 75-76-55. (1) Except as otherwise provided in Section  
110 75-76-34, it is unlawful for any person, either as owner, lessee  
111 or employee, whether for hire or not, either solely or in  
112 conjunction with others, without having first procured and  
113 thereafter maintaining in effect a state gaming license:

114 (a) To deal, operate, carry on, conduct, maintain or  
115 expose for play in the State of Mississippi any gambling game,  
116 including without limitation any gaming device, slot machine, race  
117 book, or sports pool;

118 (b) To provide or maintain any information service the  
119 primary purpose of which is to aid the placing or making of wagers  
120 on events of any kind; or

121 (c) To receive, directly or indirectly, any  
122 compensation or reward or any percentage or share of the money or  
123 property played, for keeping, running or carrying on any gambling  
124 game, including without limitation any slot machine, gaming  
125 device, race book or sports pool.

126 (2) Except as otherwise provided in Section 75-76-34, it is  
127 unlawful for any person knowingly to permit any gambling game,  
128 including without limitation any slot machine, gaming device, race  
129 book or sports pool to be conducted, operated, dealt or carried on  
130 in any house or building or other premises owned by him, in whole  
131 or in part, by a person who is not licensed pursuant to this  
132 chapter or by his employee.

133 SECTION 3. Section 37-101-13, Mississippi Code of 1972, is  
134 amended as follows:

135 37-101-13. It shall be the duty of the Board of Trustees of  
136 State Institutions of Higher Learning to begin immediately a  
137 comprehensive study of the role and scope of all of the various  
138 institutions under its jurisdiction, including a detailed study of  
139 the programs of study, degrees and courses offered. Following the  
140 completion of such study, the board shall make such adjustments as  
141 may be found to be necessary in the programs of the various  
142 institutions, to the end that the broadest possible educational  
143 opportunities shall be offered to the citizens of this state  
144 without inefficient and needless duplication. Subject to the  
145 provisions of Section 75-76-34, the board shall, through such  
146 officers of the board and through such procedures as it shall see  
147 fit to establish, exercise continuing jurisdiction and control  
148 over the establishment of new courses of study, new departments  
149 and new functions and activities in each institution so that the  
150 growth and development of the program of higher education in the  
151 state shall proceed in an orderly and rational manner, inefficient  
152 and needless duplication may be avoided, and new expanded programs  
153 will be undertaken only as the same may become justified, based  
154 upon objective criteria to be established by the board. In  
155 carrying out the purposes of this section, particular attention  
156 shall be given to the extension programs of the various  
157 institutions. The board, in conjunction with the chancellor and  
158 presidents of the institutions of higher learning, shall take such  
159 steps as may be necessary to improve and coordinate such programs  
160 and shall exercise such direct control over the establishment,  
161 organization, operation and granting of credit for such programs  
162 as may be necessary to accomplish such purposes.

163 SECTION 4. Section 37-29-1, Mississippi Code of 1972, is  
164 amended as follows:

165 37-29-1. (1) The creation, establishment, maintenance and

166 operation of community and junior colleges is authorized. From  
167 and after May 1, 1998, community and junior colleges may admit  
168 students if they have earned one (1) unit less than the number of  
169 units required for high school graduation established by State  
170 Board of Education policy or have earned a General Education  
171 Diploma (GED) in courses correlated to those of senior colleges or  
172 professional schools. Subject to the provisions of Section  
173 75-76-34, they shall offer education and training preparatory for  
174 occupations such as agriculture, industry, business, homemaking  
175 and for other occupations on the semi-professional and  
176 vocational-technical level. They may offer courses and services  
177 to students regardless of their previous educational attainment or  
178 further academic plans.

179 (2) The boards of trustees of the community and junior  
180 college districts are authorized to establish a dual enrollment  
181 program under which high school students meeting the requirements  
182 prescribed herein may enroll at a community or junior college  
183 while they are still attending high school and enrolled in high  
184 school courses. Students may be admitted to enroll in community  
185 or junior college courses under the dual enrollment program if  
186 they meet the following recommended admission requirements:

187 (a) Students must have completed a minimum of fourteen  
188 (14) core high school units;

189 (b) Students must have a minimum ACT composite score of  
190 twenty-one (21) or the equivalent SAT score;

191 (c) Students must have a 3.0 grade point average on a  
192 4.0 scale, or better, on all high school courses, as documented by  
193 an official high school transcript; a home-schooled student must  
194 submit a transcript prepared by a parent, guardian or custodian  
195 with a signed, sworn affidavit to meet the requirement of this  
196 paragraph (c); and

197 (d) Students must have an unconditional written  
198 recommendation from their high school principal and/or guidance

199 counselor. A home-schooled student must submit a parent, legal  
200 guardian or custodian's written recommendation to meet the  
201 requirement of this paragraph (d).

202 Students may be considered for the dual enrollment program  
203 who have not completed the minimum of fourteen (14) core high  
204 school units if they have a minimum ACT composite score of thirty  
205 (30) or the equivalent SAT score, and have the required grade  
206 point average and recommendations prescribed above.

207 Students admitted in the dual enrollment program shall be  
208 counted for minimum program funding purposes in the average daily  
209 attendance of the public school district in which they attend high  
210 school. Any additional transportation required by a student to  
211 participate in the dual enrollment program shall be the  
212 responsibility of the parents or legal guardians of the student.  
213 Grades and college credits earned by students admitted to the dual  
214 enrollment program shall be recorded on the college transcript at  
215 the community or junior college where the student attends classes.

216 The transcript of such college course work may be released to  
217 another institution or used for college graduation requirements  
218 only after the student has received his high school diploma.

219 (3) The boards of trustees of the community and junior  
220 college districts are authorized to establish an early admission  
221 program under which applicants meeting all requirements prescribed  
222 in subsection (2)(a), (c) and (d) and have a minimum ACT composite  
223 score of twenty-six (26) or the equivalent SAT score may be  
224 admitted as full-time college students if the principal or  
225 guidance counsellor of the student recommends in writing that it  
226 is in the best educational interest of the student. Such  
227 recommendation shall also state that the student's age will not  
228 keep him from being a successful full-time college student.  
229 Students admitted in the early admission program shall not be  
230 counted for minimum program funding purposes in the average daily  
231 attendance of the school district in which they reside, and

232 transportation required by a student to participate in the early  
233 admission program shall be the responsibility of the parents or  
234 legal guardians of the student. Grades and college credits earned  
235 by students admitted to the early admission program shall be  
236 recorded on the college transcript at the community or junior  
237 college where the student attends classes, and may be released to  
238 another institution or used for college graduation requirements  
239 only after the student has successfully completed one (1) full  
240 semester of course work.

241 (4) In addition to the foregoing, the community and junior  
242 colleges shall provide, through courses or other acceptable  
243 educational measures, the general education necessary to  
244 individuals and groups which will tend to make them capable of  
245 living satisfactory lives consistent with the ideals of a  
246 democratic society.

247 SECTION 5. Section 37-29-63, Mississippi Code of 1972, is  
248 amended as follows:

249 37-29-63. The president of any junior college shall have the  
250 power to recommend to the board of trustees all teachers to be  
251 employed in the district. He may remove or suspend any member of  
252 the faculty subject to the approval of the trustees. He shall be  
253 the general manager of all fiscal and administrative affairs of  
254 the district with full authority to select, direct, employ and  
255 discharge any and all employees other than teachers; however, the  
256 board may make provisions and establish policies for leave for  
257 faculty members and other key personnel.

258 The president shall have the authority, subject to the  
259 provisions of Section 75-76-34 and Sections 37-29-1 through  
260 37-29-273 and the approval of the trustees, to arrange and survey  
261 courses of study, fix schedules, and establish and enforce rules  
262 and discipline for the governing of teachers and students. He  
263 shall be the general custodian of the property of the district.

264 SECTION 6. This act shall take effect and be in force from



265 and after its passage.