

By: Capps

To: Universities and
Colleges; Ways and
MeansHOUSE BILL NO. 881
(As Passed the House)

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 AND JUNIOR COLLEGES TO OFFER CERTAIN LIMITED COURSES; TO
4 PROVIDE THAT IN CERTAIN CASES STATE INSTITUTIONS OF HIGHER
5 LEARNING AND PUBLIC COMMUNITY AND 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 or 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 or junior college. Except
26 as authorized under this section, no public school shall teach or
27 train persons to be gaming employees. The gaming activities of
28 schools or training institutions regulated by the commission and
29 of those schools or training institutions excepted from such

30 regulation or partially regulated, as provided in this section,
31 shall be deemed to be legal under the laws of the State of
32 Mississippi. Any person desiring to operate a school or training
33 institution must file a license application with the executive
34 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 and 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 and junior colleges may offer courses related to casino
101 hospitality services, cage and count operations, and slot machine
102 maintenance. Slot machine maintenance training may be performed
103 only on equipment approved by the commission for training purposes
104 only. State institutions of higher learning and public community
105 and junior colleges are not subject to regulation by the
106 commission for the 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 counselor of the student recommends in writing that it is
226 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.