HOUSE BILL NO. 248

AN ACT TO AMEND SECTION 75-76-34, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE STATE INSTITUTIONS OF HIGHER LEARNING AND PUBLIC COMMUNITY AND JUNIOR COLLEGES TO OFFER GAMING-RELATED COURSES; TO PROVIDE THAT STATE INSTITUTIONS OF HIGHER LEARNING AND PUBLIC COMMUNITY AND JUNIOR COLLEGES OFFERING SUCH COURSES SHALL NOT BE SUBJECT TO REGULATION BY THE MISSISSIPPI GAMING COMMISSION; TO AMEND SECTIONS 75-76-55, 37-101-13, 37-29-1 AND 37-29-63, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

75-76-34. (1) Except as otherwise provided in this section, the Mississippi Gaming Commission is authorized to regulate all schools or training institutions that teach or train gaming employees. Such schools shall only be located in counties where gaming is legal aboard a cruise vessel or vessel or in counties where cruise vessels were legally operating out of a port at the time of passage of the Mississippi Gaming Control Act pursuant to Section 19-3-79, unless the school, course or training is offered by a state institution of higher learning or a public community or junior college. No such school shall be located on publicly owned property other than property under the jurisdiction of the Board of Trustees of State Institutions of Higher Learning or a public community or junior college. Except as authorized under this section, no public school shall teach or train persons to be gaming employees. The gaming activities of schools or training institutions regulated by the commission and of state institutions of higher learning and public community and junior colleges shall be deemed to be legal under the laws of the State of Mississippi.
Any person desiring to operate a school or training institution other than a state institution of higher learning or community or junior college must file a license application with the executive director to be licensed by the commission.

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

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

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

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

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

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

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

(g) Defining the curriculum of the school or training institution, the games and devices permitted, the use of tokens only for instruction purposes, and the method of operation of games and devices.
(h) Requiring the applicant to submit its location of
the school or training institution, which shall be at least four
hundred (400) feet from any church, school, kindergarten or
funeral home. However, within an area zoned commercial or
business, the minimum distance shall not be less than one hundred
(100) feet.

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

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

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

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

(ii) Is a fugitive from justice;

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

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

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

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

(3) State institutions of higher learning may offer credited
courses specifically relating to gaming management, including, but
not limited to, courses that provide instruction in accounting,
hospitality, marketing, auditing, finance, procurement, security
and regulatory requirements in fulfillment of a degree in general
business management, hotel and motel management, food and beverage
management, gaming management, accounting or criminal justice.
State institutions of higher learning are not subject to
regulation by the commission for the purposes of this subsection.

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

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

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

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

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

(c) To receive, directly or indirectly, any
compensation or reward or any percentage or share of the money or
property played, for keeping, running or carrying on any gambling
game, including without limitation any slot machine, gaming
device, race book or sports pool.
(2) Except as otherwise provided in Section 75-76-34, it is unlawful for any person knowingly to permit any gambling game, including without limitation any slot machine, gaming device, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by him, in whole or in part, by a person who is not licensed pursuant to this chapter or by his employee.

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

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

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

37-29-1. (1) The creation, establishment, maintenance and
operation of community and junior colleges is authorized. From
and after May 1, 1998, community and junior colleges may admit
students if they have earned one (1) unit less than the number of
units required for high school graduation established by State
Board of Education policy or have earned a General Education
Diploma (GED) in courses correlated to those of senior colleges or
professional schools. Subject to the provisions of Section
75-76-34, they shall offer education and training preparatory for
occupations such as agriculture, industry, business, homemaking
and for other occupations on the semi-professional and
vocational-technical level. They may offer courses and services
to students regardless of their previous educational attainment or
further academic plans.

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

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

(b) Students must have a minimum ACT composite score of
twenty-one (21) or the equivalent SAT score;
(c) Students must have a 3.0 grade point average on a 4.0 scale, or better, on all high school courses, as documented by an official high school transcript; a home-schooled student must submit a transcript prepared by a parent, guardian or custodian with a signed, sworn affidavit to meet the requirement of this paragraph (c); and

(d) Students must have an unconditional written recommendation from their high school principal and/or guidance counselor. A home-schooled student must submit a parent, legal guardian or custodian's written recommendation to meet the requirement of this paragraph (d).

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

Students admitted in the dual enrollment program shall be counted for minimum program funding purposes in the average daily attendance of the public school district in which they attend high school. Any additional transportation required by a student to participate in the dual enrollment program shall be the responsibility of the parents or legal guardians of the student.

Grades and college credits earned by students admitted to the dual enrollment program shall be recorded on the college transcript at the community or junior college where the student attends classes. The transcript of such college course work may be released to another institution or used for college graduation requirements only after the student has received his high school diploma.

(3) The boards of trustees of the community and junior college districts are authorized to establish an early admission program under which applicants meeting all requirements prescribed in subsection (2)(a), (c) and (d) and have a minimum ACT composite score of twenty-six (26) or the equivalent SAT score may be
admitted as full-time college students if the principal or
guidance counselor of the student recommends in writing that it is
in the best educational interest of the student. Such
recommendation shall also state that the student’s age will not
keep him from being a successful full-time college student.
Students admitted in the early admission program shall not be
counted for minimum program funding purposes in the average daily
attendance of the school district in which they reside, and
transportation required by a student to participate in the early
admission program shall be the responsibility of the parents or
legal guardians of the student. Grades and college credits earned
by students admitted to the early admission program shall be
recorded on the college transcript at the community or junior
college where the student attends classes, and may be released to
another institution or used for college graduation requirements
only after the student has successfully completed one (1) full
semester of course work.

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

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

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

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

SECTION 6. This act shall take effect and be in force from and after its passage.