

By: Representative Clark

To: Universities and  
Colleges; Ways and Means

HOUSE BILL NO. 248

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 GAMING-RELATED COURSES; TO  
4 PROVIDE THAT STATE INSTITUTIONS OF HIGHER LEARNING AND PUBLIC  
5 COMMUNITY AND JUNIOR COLLEGES OFFERING SUCH COURSES SHALL NOT BE  
6 SUBJECT TO REGULATION BY THE MISSISSIPPI GAMING COMMISSION; TO  
7 AMEND SECTIONS 75-76-55, 37-101-13, 37-29-1 AND 37-29-63,  
8 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS  
9 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 school, course or training is offered  
21 by a state institution of higher learning or a public community or  
22 junior college. No such school shall be located on publicly owned  
23 property other than property under the jurisdiction of the Board  
24 of Trustees of State Institutions of Higher Learning or a public  
25 community or junior college. Except as authorized under this  
26 section, no public school shall teach or train persons to be  
27 gaming employees. The gaming activities of schools or training  
28 institutions regulated by the commission and of state institutions  
29 of higher learning and public community and junior colleges shall  
30 be deemed to be legal under the laws of the State of Mississippi.



31 Any person desiring to operate a school or training institution  
32 other than a state institution of higher learning or community or  
33 junior college 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 specifically relating to gaming management, including, but  
95 not limited to, courses that provide instruction in accounting,  
96 hospitality, marketing, auditing, finance, procurement, security



97 and regulatory requirements in fulfillment of a degree in general  
98 business management, hotel and motel management, food and beverage  
99 management, gaming management, accounting or criminal justice.  
100 State institutions of higher learning are not subject to  
101 regulation by the commission for the purposes of this subsection.

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

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

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

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

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

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



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

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

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



162 steps as may be necessary to improve and coordinate such programs  
163 and shall exercise such direct control over the establishment,  
164 organization, operation and granting of credit for such programs  
165 as may be necessary to accomplish such purposes.

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

168 37-29-1. (1) The creation, establishment, maintenance and  
169 operation of community and junior colleges is authorized. From  
170 and after May 1, 1998, community and junior colleges may admit  
171 students if they have earned one (1) unit less than the number of  
172 units required for high school graduation established by State  
173 Board of Education policy or have earned a General Education  
174 Diploma (GED) in courses correlated to those of senior colleges or  
175 professional schools. Subject to the provisions of Section  
176 75-76-34, they shall offer education and training preparatory for  
177 occupations such as agriculture, industry, business, homemaking  
178 and for other occupations on the semi-professional and  
179 vocational-technical level. They may offer courses and services  
180 to students regardless of their previous educational attainment or  
181 further academic plans.

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

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

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



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

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

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

210           Students admitted in the dual enrollment program shall be  
211 counted for minimum program funding purposes in the average daily  
212 attendance of the public school district in which they attend high  
213 school. Any additional transportation required by a student to  
214 participate in the dual enrollment program shall be the  
215 responsibility of the parents or legal guardians of the student.  
216 Grades and college credits earned by students admitted to the dual  
217 enrollment program shall be recorded on the college transcript at  
218 the community or junior college where the student attends classes.  
219 The transcript of such college course work may be released to  
220 another institution or used for college graduation requirements  
221 only after the student has received his high school diploma.

222           (3) The boards of trustees of the community and junior  
223 college districts are authorized to establish an early admission  
224 program under which applicants meeting all requirements prescribed  
225 in subsection (2) (a), (c) and (d) and have a minimum ACT composite  
226 score of twenty-six (26) or the equivalent SAT score may be



227 admitted as full-time college students if the principal or  
228 guidance counselor of the student recommends in writing that it is  
229 in the best educational interest of the student. Such  
230 recommendation shall also state that the student's age will not  
231 keep him from being a successful full-time college student.  
232 Students admitted in the early admission program shall not be  
233 counted for minimum program funding purposes in the average daily  
234 attendance of the school district in which they reside, and  
235 transportation required by a student to participate in the early  
236 admission program shall be the responsibility of the parents or  
237 legal guardians of the student. Grades and college credits earned  
238 by students admitted to the early admission program shall be  
239 recorded on the college transcript at the community or junior  
240 college where the student attends classes, and may be released to  
241 another institution or used for college graduation requirements  
242 only after the student has successfully completed one (1) full  
243 semester of course work.

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

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

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





259 board may make provisions and establish policies for leave for  
260 faculty members and other key personnel.

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

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

