

By: Representative Bailey

To: Universities and
Colleges; Ways and Means

HOUSE BILL NO. 63

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 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 public
33 community or junior college must file a license application with
34 the 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 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.
167 Community and junior colleges may admit students if they have
168 earned one (1) unit less than the number of units required for
169 high school graduation established by State Board of Education
170 policy or have earned a General Education Diploma (GED) in courses
171 correlated to those of senior colleges or professional schools.
172 Subject to the provisions of Section 75-76-34, they shall offer
173 education and training preparatory for occupations such as
174 agriculture, industry, business, homemaking and for other
175 occupations on the semi-professional and vocational-technical
176 level. They may offer courses and services to students regardless
177 of their previous educational attainment or further academic
178 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 in this section may enroll at a community or junior
183 college while they are still attending high school and enrolled in
184 high school courses. Students may be admitted to enroll in
185 community or junior college courses under the dual enrollment
186 program if they meet the following recommended admission
187 requirements:

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

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



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

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

206 Students admitted in the dual enrollment program shall be
207 counted for adequate education program funding purposes in the
208 average daily attendance of the public school district in which
209 they attend high school. Any additional transportation required
210 by a student to participate in the dual enrollment program shall
211 be the responsibility of the parents or legal guardians of the
212 student. Grades and college credits earned by students admitted
213 to the dual enrollment program shall be recorded on the college
214 transcript at the community or junior college where the student
215 attends classes. The transcript of such college course work may
216 be released to another institution or used for college graduation
217 requirements only after the student has received his high school
218 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) through (c) and having a minimum ACT
223 composite score of twenty-six (26) or the equivalent SAT score may
224 be 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 adequate education program funding purposes in the
231 average daily attendance of the school district in which they
232 reside, and transportation required by a student to participate in
233 the early admission program shall be the responsibility of the
234 parents or legal guardians of the student. Grades and college
235 credits earned by students admitted to the early admission program
236 shall be recorded on the college transcript at the community or
237 junior college where the student attends classes, and may be
238 released to another institution or used for college graduation
239 requirements only after the student has successfully completed one
240 (1) full semester of course work.

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

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

248 37-29-63. The president of any community/junior college, or
249 such other person designated or authorized by the board of
250 trustees, shall have the power to recommend to the board of
251 trustees all teachers to be employed in the district. The
252 president may remove or suspend any member of the faculty subject
253 to the approval of the trustees. He shall be the general manager
254 of all fiscal and administrative affairs of the district with full
255 authority to select, direct, employ and discharge any and all
256 employees other than teachers; however, the board may make
257 provisions and establish policies for leave for faculty members
258 and other key personnel.

259 The president shall have the authority, subject to the
260 provisions of Section 75-76-34 and Sections 37-29-1 through
261 37-29-273 and the approval of the trustees, to arrange and survey



262 courses of study, fix schedules, and establish and enforce rules
263 and discipline for the governing of teachers and students. He
264 shall be the general custodian of the property of the district.

265 This section shall be repealed on July 1, 2004.

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

