

By: Representative Bailey

To: Universities and  
Colleges; Ways and Means

HOUSE BILL NO. 63  
(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 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 gamble  
27 or to operate a gaming device. The gaming activities of schools  
28 or training institutions regulated by the commission and of state  
29 institutions of higher learning and public community and junior  
30 colleges shall be deemed to be legal under the laws of the State



31 of Mississippi. Any person desiring to operate a school or  
32 training institution other than a state institution of higher  
33 learning or public community or junior college must file a license  
34 application with the executive director to be licensed by the  
35 commission.

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

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

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

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

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

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

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

61 (g) Defining the curriculum of the school or training  
62 institution, the games and devices permitted, the use of tokens



63 only for instruction purposes, and the method of operation of  
64 games and devices.

65 (h) Requiring the applicant to submit its location of  
66 the school or training institution, which shall be at least four  
67 hundred (400) feet from any church, school, kindergarten or  
68 funeral home. However, within an area zoned commercial or  
69 business, the minimum distance shall not be less than one hundred  
70 (100) feet.

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

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

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

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

83 (ii) Is a fugitive from justice;

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

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

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

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

94 (3) State institutions of higher learning may offer credited  
95 courses in casino management, auditing and security in fulfillment



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

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

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

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

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

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

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

127 (2) Except as otherwise provided in Section 75-76-34, it is  
128 unlawful for any person knowingly to permit any gambling game,



129 including without limitation any slot machine, gaming device, race  
130 book or sports pool to be conducted, operated, dealt or carried on  
131 in any house or building or other premises owned by him, in whole  
132 or in part, by a person who is not licensed pursuant to this  
133 chapter or by his employee.

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

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



162 organization, operation and granting of credit for such programs  
163 as may be necessary to accomplish such purposes.

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

166 37-29-1. (1) The creation, establishment, maintenance and  
167 operation of community and junior colleges is authorized.  
168 Community and junior colleges may admit students if they have  
169 earned one (1) unit less than the number of units required for  
170 high school graduation established by State Board of Education  
171 policy or have earned a General Education Diploma (GED) in courses  
172 correlated to those of senior colleges or professional schools.  
173 Subject to the provisions of Section 75-76-34, they shall offer  
174 education and training preparatory for occupations such as  
175 agriculture, industry, business, homemaking and for other  
176 occupations on the semi-professional and vocational-technical  
177 level. They may offer courses and services to students regardless  
178 of their previous educational attainment or further academic  
179 plans.

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

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

191 (b) 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; and

197 (c) 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.

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

220 (3) The boards of trustees of the community and junior  
221 college districts are authorized to establish an early admission  
222 program under which applicants meeting all requirements prescribed  
223 in subsection (2)(a) through (c) and having a minimum ACT  
224 composite score of twenty-six (26) or the equivalent SAT score may  
225 be admitted as full-time college students if the principal or  
226 guidance counsellor of the student recommends in writing that it  
227 is in the best educational interest of the student. Such



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

242 (4) The community and junior colleges shall provide, through  
243 courses or other acceptable educational measures, the general  
244 education necessary to individuals and groups which will tend to  
245 make them capable of living satisfactory lives consistent with the  
246 ideals of a 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 community/junior college, or  
250 such other person designated or authorized by the board of  
251 trustees, shall have the power to recommend to the board of  
252 trustees all teachers to be employed in the district. The  
253 president may remove or suspend any member of the faculty subject  
254 to the approval of the trustees. He shall be the general manager  
255 of all fiscal and administrative affairs of the district with full  
256 authority to select, direct, employ and discharge any and all  
257 employees other than teachers; however, the board may make  
258 provisions and establish policies for leave for faculty members  
259 and other key personnel.





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

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

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

