

By: Representatives Clark, Espy

To: Universities and
Colleges

HOUSE BILL NO. 641

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 AND
4 TO 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. * * * No such school shall be located on publicly
17 owned property other than property under the jurisdiction of the
18 Board of Trustees of State Institutions of Higher Learning or a
19 public community or junior college. Except as authorized under
20 this section, no public school shall teach or train persons to be
21 gaming employees. The gaming activities of schools or training
22 institutions regulated by the commission and of state institutions
23 of higher learning and public community and junior colleges shall
24 be deemed to be legal under the laws of the State of Mississippi.
25 Any person desiring to operate a school or training institution
26 other than a state institution of higher learning or community or
27 junior college must file a license application with the executive
28 director to be licensed by the commission.

29 (2) The commission may adopt regulations it deems necessary
30 to regulate schools and training institutions other than state

31 institutions of higher learning and public community and junior
32 colleges. These regulations shall, without limiting the general
33 powers of the commission, include the following:

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

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

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

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

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

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

54 (g) Defining the curriculum of the school or training
55 institution, the games and devices permitted, the use of tokens
56 only for instruction purposes, and the method of operation of
57 games and devices.

58 (h) Requiring the applicant to submit its location of
59 the school or training institution, which shall be at least four
60 hundred (400) feet from any church, school, kindergarten or
61 funeral home. However, within an area zoned commercial or
62 business, the minimum distance shall not be less than one hundred
63 (100) feet.

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

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

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

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

76 (ii) Is a fugitive from justice;

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

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

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

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

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

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

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

106 75-76-55. (1) Except as otherwise provided in Section
107 75-76-34, it is unlawful for any person, either as owner, lessee
108 or employee, whether for hire or not, either solely or in
109 conjunction with others, without having first procured and
110 thereafter maintaining in effect a state gaming license:

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

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

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

123 (2) Except as otherwise provided in Section 75-76-34, it is
124 unlawful for any person knowingly to permit any gambling game,
125 including without limitation any slot machine, gaming device, race
126 book or sports pool to be conducted, operated, dealt or carried on
127 in any house or building or other premises owned by him, in whole

128 or in part, by a person who is not licensed pursuant to this
129 chapter or by his employee.

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

132 37-101-13. It shall be the duty of the Board of Trustees of
133 State Institutions of Higher Learning to begin immediately a
134 comprehensive study of the role and scope of all of the various
135 institutions under its jurisdiction, including a detailed study of
136 the programs of study, degrees and courses offered. Following the
137 completion of such study, the board shall make such adjustments as
138 may be found to be necessary in the programs of the various
139 institutions, to the end that the broadest possible educational
140 opportunities shall be offered to the citizens of this state
141 without inefficient and needless duplication. Subject to the
142 provisions of Section 75-76-34, the board shall, through such
143 officers of the board and through such procedures as it shall see
144 fit to establish, exercise continuing jurisdiction and control
145 over the establishment of new courses of study, new departments
146 and new functions and activities in each institution so that the
147 growth and development of the program of higher education in the
148 state shall proceed in an orderly and rational manner, inefficient
149 and needless duplication may be avoided, and new expanded programs
150 will be undertaken only as the same may become justified, based
151 upon objective criteria to be established by the board. In
152 carrying out the purposes of this section, particular attention
153 shall be given to the extension programs of the various
154 institutions. The board, in conjunction with the chancellor and
155 presidents of the institutions of higher learning, shall take such
156 steps as may be necessary to improve and coordinate such programs
157 and shall exercise such direct control over the establishment,
158 organization, operation and granting of credit for such programs
159 as may be necessary to accomplish such purposes.

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

162 37-29-1. (1) The creation, establishment, maintenance and
163 operation of community and junior colleges is authorized.
164 Community and junior colleges may admit students if they have
165 earned one (1) unit less than the number of units required for
166 high school graduation established by State Board of Education
167 policy or have earned a General Education Diploma (GED) in courses
168 correlated to those of senior colleges or professional schools.
169 Subject to the provisions of Section 75-76-34, they shall offer
170 education and training preparatory for occupations such as
171 agriculture, industry, business, homemaking and for other
172 occupations on the semi-professional and vocational-technical
173 level. They may offer courses and services to students regardless
174 of their previous educational attainment or further academic
175 plans.

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

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

187 (b) Students must have a 3.0 grade point average on a
188 4.0 scale, or better, on all high school courses, as documented by
189 an official high school transcript; a home-schooled student must
190 submit a transcript prepared by a parent, guardian or custodian
191 with a signed, sworn affidavit to meet the requirement of this
192 paragraph; and

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

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

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

216 (3) The boards of trustees of the community and junior
217 college districts are authorized to establish an early admission
218 program under which applicants meeting all requirements prescribed
219 in subsection (2)(a) through (c) and having a minimum ACT
220 composite score of twenty-six (26) or the equivalent SAT score may
221 be admitted as full-time college students if the principal or
222 guidance counsellor of the student recommends in writing that it
223 is in the best educational interest of the student. Such
224 recommendation shall also state that the student's age will not
225 keep him from being a successful full-time college student.

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

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

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

245 37-29-63. (1) The president of any community/junior
246 college, or such other person designated or authorized by the
247 board of trustees, shall have the power to recommend to the board
248 of trustees all teachers to be employed in the district.

249 (2) The president may remove or suspend any member of the
250 faculty subject to the approval of the trustees. He shall be the
251 general manager of all fiscal and administrative affairs of the
252 district with full authority to select, direct, employ and
253 discharge any and all employees other than teachers; however, the
254 board may make provisions and establish policies for leave for
255 faculty members and other key personnel.

256 (3) The president shall have the authority, subject to the
257 provisions of Section 75-76-34 and Sections 37-29-1 through
258 37-29-273 and the approval of the trustees, to arrange and survey

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

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