

By: Representatives Bailey, Holloway

To: Universities and
Colleges; Ways and Means

HOUSE BILL NO. 426

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 AND
8 37-29-1, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF
9 THIS ACT; TO AMEND SECTION 37-29-63, MISSISSIPPI CODE OF 1972, IN
10 CONFORMITY TO THE PROVISIONS OF THIS ACT AND TO EXTEND THE DATE OF
11 REPEAL FOR SUCH SECTION; AND FOR RELATED PURPOSES.

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

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

15 75-76-34. (1) Except as otherwise provided in this section,
16 the Mississippi Gaming Commission is authorized to regulate all
17 schools or training institutions that teach or train gaming
18 employees. Such schools shall only be located in counties where
19 gaming is legal aboard a cruise vessel or vessel or in counties
20 where cruise vessels were legally operating out of a port at the
21 time of passage of the Mississippi Gaming Control Act pursuant to
22 Section 19-3-79, unless the school, course or training is offered
23 by a state institution of higher learning or a public community or
24 junior college. No such school shall be located on publicly owned
25 property other than property under the jurisdiction of the Board
26 of Trustees of State Institutions of Higher Learning or a public
27 community or junior college. Except as authorized under this
28 section, no public school shall teach or train persons to be
29 gaming employees. The gaming activities of schools or training
30 institutions regulated by the commission and of state institutions
31 of higher learning and public community and junior colleges shall



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

84 (ii) Is a fugitive from justice;

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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



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

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

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

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

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

192 (b) Students must have a 3.0 grade point average on a
193 4.0 scale, or better, on all high school courses, as documented by
194 an official high school transcript; a home-schooled student must
195 submit a transcript prepared by a parent, guardian or custodian



196 with a signed, sworn affidavit to meet the requirement of this
197 paragraph; and

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

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

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

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



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

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

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

250 37-29-63. The president of any community/junior college, or
251 such other person designated or authorized by the board of
252 trustees, shall have the power to recommend to the board of
253 trustees all teachers to be employed in the district. The
254 president may remove or suspend any member of the faculty subject
255 to the approval of the trustees. He shall be the general manager
256 of all fiscal and administrative affairs of the district with full
257 authority to select, direct, employ and discharge any and all
258 employees other than teachers; however, the board may make
259 provisions and establish policies for leave for faculty members
260 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 This section shall be repealed on July 1, 2006.

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

