

By: Representatives Clark, Espy

To: Universities and
Colleges

HOUSE BILL NO. 641
(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 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 The courses authorized by this subsection shall only be offered in

97 those counties where gaming is legally being conducted and where
98 the institution or community or junior college district is located
99 or in counties where such institutions have a branch. The courses
100 shall only be offered in the county of the community or junior
101 college district where gaming is legally being conducted.

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. The courses
110 authorized by this subsection shall only be offered in those
111 counties where gaming is legally being conducted and where the
112 institution or community or junior college district is located or
113 in counties where such institutions have a branch. The courses
114 shall only be offered in the county of the community or junior
115 college district where gaming is legally being conducted.

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

118 75-76-55. (1) Except as otherwise provided in Section
119 75-76-34, it is unlawful for any person, either as owner, lessee
120 or employee, whether for hire or not, either solely or in
121 conjunction with others, without having first procured and
122 thereafter maintaining in effect a state gaming license:

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

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

130 (c) To receive, directly or indirectly, any
131 compensation or reward or any percentage or share of the money or
132 property played, for keeping, running or carrying on any gambling
133 game, including without limitation any slot machine, gaming
134 device, race book or sports pool.

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

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

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

163 upon objective criteria to be established by the board. In
164 carrying out the purposes of this section, particular attention
165 shall be given to the extension programs of the various
166 institutions. The board, in conjunction with the chancellor and
167 presidents of the institutions of higher learning, shall take such
168 steps as may be necessary to improve and coordinate such programs
169 and shall exercise such direct control over the establishment,
170 organization, operation and granting of credit for such programs
171 as may be necessary to accomplish such purposes.

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

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

188 (2) The boards of trustees of the community and junior
189 college districts are authorized to establish a dual enrollment
190 program under which high school students meeting the requirements
191 prescribed in this section may enroll at a community or junior
192 college while they are still attending high school and enrolled in
193 high school courses. Students may be admitted to enroll in
194 community or junior college courses under the dual enrollment

195 program if they meet the following recommended admission
196 requirements:

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

199 (b) Students must have a 3.0 grade point average on a
200 4.0 scale, or better, on all high school courses, as documented by
201 an official high school transcript; a home-schooled student must
202 submit a transcript prepared by a parent, guardian or custodian
203 with a signed, sworn affidavit to meet the requirement of this
204 paragraph; and

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

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

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

228 (3) The boards of trustees of the community and junior
229 college districts are authorized to establish an early admission
230 program under which applicants meeting all requirements prescribed
231 in subsection (2)(a) through (c) and having a minimum ACT
232 composite score of twenty-six (26) or the equivalent SAT score may
233 be admitted as full-time college students if the principal or
234 guidance counsellor of the student recommends in writing that it
235 is in the best educational interest of the student. Such
236 recommendation shall also state that the student's age will not
237 keep him from being a successful full-time college student.
238 Students admitted in the early admission program shall not be
239 counted for adequate education program funding purposes in the
240 average daily attendance of the school district in which they
241 reside, and transportation required by a student to participate in
242 the early admission program shall be the responsibility of the
243 parents or legal guardians of the student. Grades and college
244 credits earned by students admitted to the early admission program
245 shall be recorded on the college transcript at the community or
246 junior college where the student attends classes, and may be
247 released to another institution or used for college graduation
248 requirements only after the student has successfully completed one
249 (1) full semester of course work.

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

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

257 37-29-63. (1) The president of any community/junior
258 college, or such other person designated or authorized by the
259 board of trustees, shall have the power to recommend to the board
260 of trustees all teachers to be employed in the district.

261 (2) The president may remove or suspend any member of the
262 faculty subject to the approval of the trustees. He shall be the
263 general manager of all fiscal and administrative affairs of the
264 district with full authority to select, direct, employ and
265 discharge any and all employees other than teachers; however, the
266 board may make provisions and establish policies for leave for
267 faculty members and other key personnel.

268 (3) The president shall have the authority, subject to the
269 provisions of Section 75-76-34 and Sections 37-29-1 through
270 37-29-273 and the approval of the trustees, to arrange and survey
271 courses of study, fix schedules, and establish and enforce rules
272 and discipline for the governing of teachers and students. He
273 shall be the general custodian of the property of the district.

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