

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 345
HOUSE BILL 122

AN ACT TO ENCOURAGE STATE AGENCIES AND PUBLIC SCHOOLS TO
DEVELOP ON- OR NEAR-SITE DAY CARE FACILITIES FOR THEIR
EMPLOYEES.

Whereas, the General Assembly recognizes the need to encourage State agencies and institutions, including public schools, to take the initiative in helping State employees have quality day care for their children; and

Whereas, the General Assembly further recognizes that, during the present time of financial stress, it is imperative that creative and resourceful ways be found to meet these needs; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 3E.

"State/Public School Child Day Care Contracts.

"§ 143-64.50. State/public school-contracted on-, near-site day care facilities; location authorization; contract for program services authorization.

State agencies and local boards of education may contract with any city, county, or other political subdivision of the State, governmental or private agency, person, association, or corporation to establish child day care services in State buildings and public schools. If the child day care program is located in a State building that is not used for legislative activity, the procedure for approving the location of the program shall be pursuant to G.S. 143-341(4). If the child day care program is located in a State building used for legislative activity, the procedure for approving the location of the program shall be pursuant to G.S. 120-32.1. If the child day care program is located in any other State building, the procedure for contracting for child day care services shall be pursuant to G.S. 143-49(3). If the child day care program is located in a State building used for legislative activity, the procedure for contracting for child day care services shall be pursuant to G.S. 120-32(4).

Contracts for services awarded pursuant to this section are exempt from the provisions of G.S. 66-58(a) and the contract may provide for payment of rent by the lessee or the operator of the facility.

"§ 143-64.51. State/public school-contracted child day care facilities; licensing requirements.

All child day care facilities established pursuant to this Article shall be licensed and regulated under the provisions of Article 7 of Chapter 110 of the General Statutes, entitled 'Day Care Facilities.'

"§ 143-64.52. State/public school-contracted child day care facilities; limitation of State/local board liability.

The operators of the child day care facilities established pursuant to this Article shall assume all financial and legal responsibility for the operation of the programs and shall maintain adequate insurance coverage for the operations taking place in the facilities. Neither the operator or any of the staff of the facilities are considered State employees or local board of education employees by virtue of this Article alone. The State or the local boards of education are financially and legally responsible only for the maintenance of the building."

Sec. 2. Nothing in this act shall be construed to allow the State of North Carolina to expend funds to implement the provisions of this act.

Sec. 3. This act becomes effective July 1, 1991.

In the General Assembly read three times and ratified this the 20th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives