

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 122  
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Short Title: State Day Care Encouragement.

(Public)

Sponsors: Representatives Fitch; Gardner, Green, H. Hunter, Thompson, Wilson, and Wood.

Referred to: Human Resources.

February 21, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENCOURAGE STATE AGENCIES AND PUBLIC SCHOOLS TO  
3 DEVELOP ON- OR NEAR-SITE DAY CARE FACILITIES FOR THEIR  
4 EMPLOYEES.

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

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

11 The General Assembly of North Carolina enacts:

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

14 **"ARTICLE 3E.**

15 **"STATE/PUBLIC SCHOOL CHILD DAY CARE CONTRACTS.**

16 **"§ 143-64.50. State/public school-contracted on-, near-site day care facilities;**  
17 **location authorization; contract for program services authorization.**

18 State agencies and local boards of education may contract with any city, county, or  
19 other political subdivision of the State, governmental or private agency, person,  
20 association, or corporation to establish child day care services in State buildings and  
21 public schools. If the child day care program is located in a State building that is not  
22 used for legislative activity, the procedure for approving the location of the program

1 shall be pursuant to G.S. 143-341(4). If the child day care program is located in a State  
2 building used for legislative activity, the procedure for approving the location of the  
3 program shall be pursuant to G.S. 120-32.1. If the child day care program is located in  
4 a State building, the procedure for contracting for child day care services shall be  
5 pursuant to G.S. 143-49(3). If the child day care program is located in a State building  
6 used for legislative activity, the procedure for contracting for child day care services  
7 shall be pursuant to G.S. 120-32(4).

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

11 **"§ 143-64.51. State/public school-contracted child day care facilities; licensing**  
12 **requirements.**

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

16 **"§ 143-64.52. State/public school-contracted child day care facilities; limitation of**  
17 **State/local board liability.**

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

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

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