

**REPORT OF THE
GENERAL GOVERNMENT,
PERSONNEL & BENEFITS SUBCOMMITTEE**
(Anthony, Pitts, Herbkersman, Hayes & Whitmire - Staff Contact: Blythe Littlefield)

HOUSE BILL 3767

H. 3767 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-221 SO AS TO PROHIBIT THE LEVY OF CERTAIN PROPERTY TAXES ON REAL PROPERTY OWNED OR LEASED TO CERTAIN CHILDCARE PROVIDERS; TO AMEND SECTION 63-13-20, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, SO AS TO CLARIFY THE TYPES OF DAYTIME PROGRAMS AND DAY CAMPS TO WHICH THE DEFINITION APPLIES; BY ADDING SECTION 63-13-220 SO AS TO PROHIBIT USE OF ABC VOUCHERS BY CERTAIN CHILDCARE FACILITIES AND TO REQUIRE THE GENERAL ASSEMBLY TO APPROPRIATE FUNDS ANNUALLY; AND BY ADDING SECTION 63-13-470 SO AS TO PROVIDE FOR LICENSING AND APPROVAL REQUIREMENTS FOR PRIVATE CHILDCARE CENTERS AND GROUP CHILDCARE HOMES.

Summary of Bill:

This bill prohibits the levy of certain property taxes on real property owned or leased to certain childcare providers. It also amends the definition of terms used in the regulation of childcare facilities, so as to clarify the types of daytime programs and day camps to which the definition applies. The use of ABC Vouchers are prohibited by certain childcare facilities and the General Assembly is also required to appropriate funds annually in this bill. Additionally, licensing and approval requirements for private childcare centers and group childcare homes is provided for in this bill.

Estimated Revenue Impact:

Pending

Subcommittee Recommendation:

Favorable with Amendment

Full Committee Recommendation:

Other Notes/Comments:

The amendment is a strike all and insert. It calls for all child care settings to be fully licensed by DSS and strengthens the requirements in order to enhance the safety and welfare of children in after-school programs and summer camps. However, it provides for some exemptions in order to ensure that certain after school child care groups and summer camps are not adversely affected by the bills requirements. The first section of the bill which prohibits the levy of certain property taxes on real property owned or leased to certain childcare providers is not deleted with this amendment.

Summary of Amendment to H. 3767
***Provided by Copper Dome Strategies, LLC**

H. 3767 as introduced sought to require all child care settings to be fully licensed by DSS, a few narrow exceptions, just like the currently licensed child care facilities. The amendment maintains the original goal of closing the licensing loopholes in current law yet practically applies some requirements to enhance the safety and welfare of children in after-school programs and summer camps. During lengthy discussions with the Boys and Girls Clubs, the YMCA's, Recreational Departments and other after school child care groups, it became apparent that they would have great difficulty becoming fully licensed in certain locations, particularly in rural areas that serve mainly low income families.

Using the definition of a childcare facility, the four hour exemption in current law is reduced to two hours and summer camps run as child care facilities must be licensed, if they operate more than two weeks, and may no longer stack consecutive "distinct" weeks to avoid licensing.

The proposed amendment has several key changes:

1. Section 63-13-20(K) - Facilities that charge less than twenty-five dollars per child per month inclusive of any associated fees are not required to be licensed.
2. Section 63-13-20(K)(I) and (II) – Requires unlicensed facilities comply with several fundamental safety laws related to caregiver requirements including background checks, training, and an annual inspection. This exception will allow facilities in rural areas that serve a vast majority of low-income families to stay open. These facilities typically have adult programs overlapping with the children's activities.
3. Section 63-13-20(L) Exempts facilities that do not charge any fees and are open to the general public. These are often a safer alternative for children to spend their day in an "open gym" rather than in random locations with no supervision.
4. Section 63-13-210 is amended to make clear that all childcare facilities must carry liability insurance.
5. Section 63-13-230 makes a handful of changes to current law affecting all licensed facilities (or places that will become licensed) in order to reflect current operating practices in unlicensed facilities:
 - Permits 16 and 17 year old employees to count in the ratio requirement provided they are continuously supervised by a fully qualified teacher/caregiver (as defined in regulation) and then only two 16/17 years olds per adult caregiver (2-1 ratio).
 - A volunteer of at least 16 years of age may assist in a facility but may not be counted in ratios and again no more than two volunteers may be supervised by a fully qualified adult teacher/caregiver.
 - Training for summer employees or after school employees may be pro-rated according to DSS policy.

- Facilities with more than one location may make employee records available electronically at each site.
- Education degrees meeting the required educational background for employees has been broadened.
- Several changes reflecting water used in the facility are changed to make them safe yet practical and not require expensive modifications to facilities.
- Outdoor recreation fields are exempt from regulations related to bathroom and water requirements.
- Governmental agencies are given the same reduced fees for background checks as those for non-profits.

6. Effective date – delays the implementation for 90 days after approval to allow everyone time to make adjustments; grandfathers existing employees as it relates to changes in experience or education; makes clear that a 12 month break in service will require the employee to meet the regulations for re-employment as is applied currently to licensed facilities.

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

RAVENEL
SHACKELFORD/HUTH
APRIL 19, 2016

CLERK OF THE HOUSE

GENERAL GOVERNMENT, PERSONNEL AND BENEFITS
SUBCOMMITTEE

PROPOSES THE FOLLOWING AMENDMENT NO. TO H. 3767
(COUNCIL\GGS\3767C004.GGS.VR16):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, BY
STRIKING ALL AFTER THE ENACTING LANGUAGE
AND INSERTING:**

**/ SECTION 1. SECTION 63-13-20(4) OF THE
1976 CODE IS AMENDED TO READ:**

**“(4) ‘CHILDCARE FACILITIES’ MEANS A
FACILITY WHICH PROVIDES CARE, SUPERVISION,**

OR GUIDANCE FOR A MINOR CHILD WHO IS NOT RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE OWNER OR OPERATOR OF THE FACILITY WHETHER OR NOT THE FACILITY IS OPERATED FOR PROFIT AND WHETHER OR NOT THE FACILITY MAKES A CHARGE FOR SERVICES OFFERED BY IT. THIS DEFINITION INCLUDES, BUT IS NOT LIMITED TO, DAY NURSERIES, NURSERY SCHOOLS, CHILDCARE CENTERS, GROUP CHILDCARE HOMES, AND FAMILY CHILDCARE HOMES. THE TERM DOES NOT INCLUDE:

(A) AN EDUCATIONAL FACILITY, WHETHER PRIVATE OR PUBLIC, WHICH OPERATES SOLELY FOR EDUCATIONAL PURPOSES IN GRADE ONE OR ABOVE;

(B) FIVE-YEAR-OLD KINDERGARTEN PROGRAMS;

(C) KINDERGARTENS OR NURSERY SCHOOLS OR OTHER DAYTIME PROGRAMS, INCLUDING PUBLIC, PRIVATE, NONPROFIT, AND ATHLETIC PROGRAMS, WITH OR WITHOUT STATED EDUCATIONAL PURPOSES, OPERATING NO MORE

THAN ~~FOUR~~ TWO HOURS A DAY AND RECEIVING CHILDREN YOUNGER THAN ~~LAWFUL SCHOOL~~ TWELVE YEARS OF AGE;

(D) FACILITIES OPERATED FOR MORE THAN ~~FOUR~~ TWO HOURS A DAY IN CONNECTION WITH A SHOPPING CENTER OR SERVICE OR OTHER SIMILAR FACILITY, WHERE THE SAME CHILDREN ARE CARED FOR LESS THAN FOUR HOURS A DAY AND NOT ON A REGULAR BASIS AS DEFINED IN THIS CHAPTER WHILE PARENTS OR CUSTODIANS OF THE CHILDREN ARE OCCUPIED ON THE PREMISES ~~OR ARE IN THE IMMEDIATE VICINITY~~ AND IMMEDIATELY AVAILABLE; HOWEVER, THESE FACILITIES MUST MEET LOCAL FIRE AND SANITATION REQUIREMENTS AND MAINTAIN DOCUMENTATION ON THESE REQUIREMENTS ON FILE AT THE FACILITY AVAILABLE FOR PUBLIC INSPECTION;

(E) SCHOOL VACATION OR SCHOOL HOLIDAY DAY CAMPS ~~FOR CHILDREN OPERATING IN DISTINCT SESSIONS RUNNING LESS THAN THREE~~ WITH SESSIONS LASTING TWO WEEKS PER SESSION UNLESS THE DAY CAMP PERMITS CHILDREN TO ENROLL IN SUCCESSIVE SESSIONS SO THAT THEIR TOTAL ATTENDANCE MAY EXCEED THREE WEEKS. THIS CHAPTER PROHIBITS ANY BUSINESS FROM OPERATING ANY SCHOOL

VACATION OR SCHOOL HOLIDAY CAMP OR EDUCATION PROGRAM THAT CARES FOR CHILDREN FOR MORE THAN TWO WEEKS WITHOUT HAVING A CHILDCARE LICENSE OR REGISTRATION. THIS INCLUDES PROGRAMS THAT RUN MULTIPLE WEEK PROGRAMS CONSECUTIVELY SO THAT CHILDREN CAN ATTEND FOR MORE THAN TWO WEEKS BY STACKING PROGRAMS/THEMES THROUGHOUT THE SUMMER. PROGRAMS LASTING MORE THAN TWO WEEKS MUST COMPLY WITH THIS CHAPTER BEFORE OPENING, INCLUDING THE REQUIREMENT TO BE LICENSED OR REGISTERED BY THE DEPARTMENT;

(F) SUMMER RESIDENT CAMPS FOR CHILDREN;

(G) BIBLE SCHOOLS NORMALLY CONDUCTED DURING VACATION PERIODS;

(H) FACILITIES FOR PERSONS WITH INTELLECTUAL DISABILITY PROVIDED FOR IN CHAPTER 21, TITLE 44;

(I) FACILITIES FOR THE MENTALLY ILL AS PROVIDED FOR IN CHAPTER 17, TITLE 44;

(J) CHILDCARE CENTERS AND GROUP CHILDCARE HOMES OWNED AND OPERATED BY A LOCAL CHURCH CONGREGATION, OR AN ESTABLISHED RELIGIOUS DENOMINATION, OR A RELIGIOUS COLLEGE OR UNIVERSITY WHICH DOES NOT RECEIVE STATE OR FEDERAL FINANCIAL ASSISTANCE FOR CHILDCARE SERVICES; HOWEVER, THESE FACILITIES MUST COMPLY WITH THE PROVISIONS OF ARTICLE 9, AND SECTIONS 63-13-60 AND 63-13-110, AND THAT THESE FACILITIES VOLUNTARILY MAY ELECT TO BECOME LICENSED ACCORDING TO THE PROCESS AS SET FORTH IN ARTICLE 3 AND SECTIONS 63-13-30, 63-13-40, 63-13-70, 63-13-80, 63-13-90, 63-13-100, 63-13-160, AND 63-13-170;

(K) CERTAIN CHILDCARE FACILITIES DEFINED IN SUBITEMS (C) AND (E) THAT ELECT NOT TO BECOME LICENSED ACCORDING TO THE PROCESS SET FORTH IN ARTICLE 3, CHAPTER 13, TITLE 63 AND SECTIONS 63-13-30, 63-13-40, 63-13-70, 63-13-80, 63-13-90, 63-13-100, 63-13-160, AND 63-13-170, IF THE FACILITY CHARGES LESS THAN TWENTY-FIVE DOLLARS PER CHILD PER MONTH INCLUSIVE OF ANY

ASSOCIATED FEES. ANY CHILDCARE FACILITY ELECTING NOT TO BECOME LICENSED MUST:

(I) COMPLY WITH THE REQUIREMENTS OF SECTIONS 63-13-30, 63-13-40, 63-13-70, 63-13-110, AND 63-13-185 AND ANY CHILD SAFETY TRAINING REQUIREMENTS; AND

(II) FACILITATE THE ANNUAL INSPECTION BY THE DEPARTMENT PURSUANT TO SECTION 63-13-80(A) TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF SUBITEM (K)(I); AND

(L) ANY FACILITY OPEN TO THE GENERAL PUBLIC THAT DOES NOT CHARGE FEES AND WHERE OPEN PLAY TIME, NOT PART OF A SCHEDULED PROGRAM, IS AVAILABLE SUCH AS IN COMMUNITY CENTERS, PLAYGROUNDS, SPORTS FIELDS, AND GYMNASIUMS.”

SECTION 2. SECTION 63-13-210 OF THE 1976 CODE IS AMENDED TO READ:

“SECTION 63-13-210. (A) AN OWNER OR OPERATOR OF A CHILDCARE CENTER, GROUP CHILDCARE HOME, OR FAMILY CHILDCARE HOME, AS DEFINED BY SECTION 63-13-20, ~~WHO DOES NOT CARRY LIABILITY INSURANCE FOR THE OPERATION OF HIS CHILDCARE BUSINESS, SHALL, BY NO LATER THAN JANUARY 1, 2009, OBTAIN SIGNED STATEMENTS FROM THE CUSTODIAL PARENT OR PARENTS OR GUARDIAN OR GUARDIANS OF EACH CHILD CURRENTLY ENROLLED IN THE CHILDCARE CENTER, GROUP CHILDCARE HOME, OR FAMILY CHILDCARE HOME INDICATING THAT THE PARENT OR PARENTS OR GUARDIAN OR GUARDIANS HAVE RECEIVED NOTICE THAT THE CHILDCARE CENTER, GROUP CHILDCARE HOME, OR FAMILY CHILDCARE HOME DOES NOT CARRY LIABILITY INSURANCE FOR THE OPERATION OF ITS CHILDCARE BUSINESS~~ MUST CARRY LIABILITY INSURANCE. ~~THE OWNER OR OPERATOR OF A CHILDCARE CENTER, GROUP CHILDCARE HOME, OR FAMILY CHILDCARE HOME MUST MAINTAIN A FILE OF THESE SIGNED STATEMENTS AT THE HOME DURING THE PERIOD OF TIME A CHILD IS~~

~~ENROLLED. FOR NEW ENROLLEES TO A CHILDCARE CENTER, GROUP CHILDCARE HOME, OR FAMILY CHILDCARE HOME, THE OWNER OR OPERATOR MUST PROVIDE THE PARENT OR PARENTS OR GUARDIAN OR GUARDIANS OF A NEW ENROLLEE WITH THIS INFORMATION AT THE TIME OF ENROLLMENT, OBTAIN A SIGNED STATEMENT FROM EACH PARENT OR GUARDIAN AT THE TIME OF ENROLLMENT, AND MAINTAIN THESE SIGNED STATEMENTS AT THE HOME DURING THE PERIOD OF TIME A CHILD IS ENROLLED.~~

~~(B) IF AN OWNER OR OPERATOR OF A CHILDCARE CENTER, GROUP CHILDCARE HOME, OR FAMILY CHILDCARE HOME, AS DEFINED BY SECTION 63-13-20, HAS LIABILITY INSURANCE FOR THE OPERATION OF HIS CHILDCARE BUSINESS THAT LAPSES OR IS CANCELED AND NOT REINSTATED OR REPLACED, THE OWNER OR OPERATOR SHALL OBTAIN AND MAINTAIN STATEMENTS IN ACCORDANCE WITH SUBSECTION (A) FROM THE CUSTODIAL PARENT OR PARENTS OR GUARDIAN OR GUARDIANS OF EACH CHILD ENROLLED IN THE CHILDCARE CENTER, GROUP CHILDCARE HOME, OR FAMILY CHILDCARE HOME NO LATER THAN THIRTY DAYS AFTER THE LIABILITY INSURANCE LAPSES OR IS CANCELED.~~

~~(C) THE DEPARTMENT SHALL SEND A LETTER TO EACH CHILDCARE CENTER, GROUP CHILDCARE HOME, AND FAMILY CHILDCARE HOME LICENSED OR REGISTERED AS OF JUNE 30, 2008, WITH THE DEPARTMENT INFORMING EACH HOME OF THE REQUIREMENTS OF SUBSECTIONS (A) AND (B), THAT EACH HOME MUST COMPLY WITH THESE REQUIREMENTS BY NO LATER THAN JANUARY 1, 2009, AND THAT COMPLIANCE IS A REQUIREMENT FOR INITIAL LICENSURE AND A CONTINUING ANNUAL REQUIREMENT FOR RELICENSURE. FOR CHILDCARE CENTERS, GROUP CHILDCARE HOMES, AND FAMILY CHILDCARE HOMES LICENSED OR REGISTERED AFTER JUNE 30, 2008, THE DEPARTMENT SHALL PROVIDE THE INFORMATION CONTAINED IN SUBSECTIONS (A) AND (B) AT THE TIME THE CHILDCARE CENTER, GROUP CHILDCARE HOME, OR FAMILY CHILDCARE HOME APPLIES FOR A LICENSE OR REGISTRATION.”~~

SECTION 3. ARTICLE 1, CHAPTER 13, TITLE 63 OF THE 1976 CODE IS AMENDED BY ADDING:

“SECTION 63-13-220. THE DEPARTMENT’S CHILDCARE FACILITY LICENSING DIVISION ADMINISTERS THE ABC CHILDCARE PROGRAM WHICH MAKES PAYMENTS TO CHILDCARE PROVIDERS TO CARE FOR CHILDREN FROM LOW INCOME FAMILIES SO THEIR PARENTS CAN WORK. THE DEPARTMENT MAY ISSUE ABC CHILDCARE PROGRAM VOUCHERS ONLY TO CHILDCARE FACILITIES THAT ARE LICENSED OR REGISTERED BY THE DEPARTMENT’S CHILDCARE FACILITY LICENSING DIVISION AND THAT ARE IN COMPLIANCE WITH REGULATIONS PROMULGATED BY THE DEPARTMENT PURSUANT TO THIS SECTION OR BY ANOTHER PROVISION OF LAW.”

SECTION 4. ARTICLE 1, CHAPTER 13, TITLE 63 OF THE 1976 CODE IS AMENDED BY ADDING:

“SECTION 63-13-230. FOR ANY CHILDCARE FACILITY DEFINED BY SECTION 63-13-20(4)(C) OR (E), THE FOLLOWING CONDITIONS APPLY:

(1) A TEACHER/CAREGIVER WHO IS SIXTEEN OR SEVENTEEN YEARS OF AGE MAY BE EMPLOYED AND MAY BE COUNTED AS ADULT STAFF FOR PURPOSES OF STAFF/CHILD RATIO AS LONG AS THAT TEACHER/CAREGIVER IS CONTINUOUSLY SUPERVISED BY A FULLY QUALIFIED TEACHER/CAREGIVER, AS DEFINED BY SOUTH CAROLINA REGULATION 114-503(K)(4), WHO IS IN THE ROOM AT ALL TIMES. ONE ADULT STAFF PERSON MAY SUPERVISE NO MORE THAN TWO TEACHERS/CAREGIVERS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE.

(2) A VOLUNTEER EMPLOYEE, WHO IS AT LEAST SIXTEEN YEARS OF AGE, MAY WORK IN THE FACILITY; HOWEVER, THE VOLUNTEER IS NOT PERMITTED TO BE COUNTED FOR PURPOSES OF MEETING THE

CHILD/STAFF RATIO REQUIREMENTS. IN ADDITION, THE VOLUNTEER MUST BE CONTINUOUSLY SUPERVISED BY A FULLY QUALIFIED TEACHER/CAREGIVER, AS DEFINED BY SOUTH CAROLINA REGULATION 114-503(K)(4), WHO IS IN THE ROOM AT ALL TIMES, AND THE VOLUNTEER MUST HAVE A COMPLETED APPROVED SLED CHECK. ONE ADULT STAFF PERSON MAY SUPERVISE NO MORE THAN TWO VOLUNTEERS.

(3) FOR SEASONAL EMPLOYEES OR AFTER SCHOOL EMPLOYEES THE TRAINING CRITERIA REQUIRED BY REGULATION SHALL BE PRO-RATED ACCORDING TO THE DEPARTMENT POLICY ON REGULATIONS.

(4) IF A CHILDCARE FACILITY IS PART OF A MULTI-SITE FACILITY, THE EMPLOYEE RECORDS REQUIRED UNDER THE LAW AND REGULATION MAY BE KEPT ON SITE OR IN A CENTRAL LOCATION, OR MUST BE AVAILABLE ELECTRONICALLY AT EACH SITE.

(5) THE EDUCATION DEGREES REQUIRED IN SOUTH CAROLINA REGULATION 114-503(K)(3)(C)(I) ALSO MUST INCLUDE ANY OTHER BACHELORS' DEGREES SUCH AS A RECREATION, SPORTS MANAGEMENT, ELEMENTARY EDUCATION, AND FAMILY AND SOCIAL SCIENCES.

(6) THE CHILDCARE FACILITY MUST HAVE HOT AND COLD WATER UNDER PRESSURE IN AT LEAST THE KITCHEN OR FOOD PREPARATION AREA. HOT WATER MUST BE BETWEEN ONE HUNDRED TO ONE HUNDRED TWENTY-FIVE DEGREES FAHRENHEIT. THERE MUST BE AT LEAST ONE SINK WITH RUNNING WATER UNDER PRESSURE TO EVERY TWENTY CHILDREN OVER TWO YEARS OF AGE. SINKS MUST BE LOCATED IN OR NEAR EACH TOILET AREA.

(7) OUTDOOR RECREATION FIELDS ARE EXEMPT FROM ANY DEPARTMENT REGULATIONS CONCERNING BATHROOM AND WATER REQUIREMENTS.

(8) BACKGROUND CHECK FEES RELATED TO EMPLOYEES AND VOLUNTEERS OF A GOVERNMENTAL AGENCY PURSUANT TO CHAPTER 13, TITLE 63 MUST BE THE SAME AS THE FEES CHARGED TO NON-PROFIT/CHARITABLE FEES.”

SECTION 5. ARTICLE 3, CHAPTER 13, TITLE 63 OF THE 1976 CODE IS AMENDED BY ADDING:

“SECTION 63-13-470. A REGULAR LICENSE OR REGULAR APPROVAL ISSUED BY THE DEPARTMENT TO PRIVATE CHILDCARE CENTERS OR GROUP CHILDCARE HOMES IS VALID FOR TWO YEARS FROM THE DATE OF ISSUANCE, UNLESS REVOKED BY THE DEPARTMENT OR VOLUNTARILY SURRENDERED BY THE DIRECTOR OF THE PRIVATE CHILDCARE CENTER OR THE DIRECTOR OF THE GROUP CHILDCARE HOME; PROVIDED, HOWEVER, THAT A CHANGE IN LOCATION, OWNERSHIP, OR SPONSORSHIP OF THE FACILITY AUTOMATICALLY VOIDS THE LICENSE OR APPROVAL. AFTER THE PRIVATE CHILDCARE CENTER OR GROUP CHILDCARE HOME HAS BEEN IN BUSINESS FOR TWO YEARS, THE RENEWAL LICENSE IS VALID FOR THREE YEARS FROM THE DATE OF ISSUANCE.”

SECTION 6. A. EXCEPT AS PROVIDED IN SECTION 6.B, THIS ACT TAKES EFFECT UPON APPROVAL OF THE GOVERNOR.

B. THE NEW REQUIREMENTS IN SECTION 2 AND SECTION 4 OF THIS ACT TAKE EFFECT NINETY DAYS AFTER APPROVAL OF THE GOVERNOR. THE CHANGES IN THIS ACT THAT RELATE TO EXPERIENCE AND EDUCATION REQUIREMENTS DO NOT APPLY TO STAFF EMPLOYED ON OR BEFORE THE EFFECTIVE DATE OF THE ACT. HOWEVER, THOSE STAFF MUST COMPLY WITH ANY CHANGES TO BACKGROUND CHECKS, TRAINING, AND ANY OTHER REQUIREMENTS. A TEACHER/CAREGIVER EMPLOYED ON OR BEFORE THE EFFECTIVE DATE OF THIS ACT WHO HAS MORE THAN A TWELVE-MONTH BREAK IN SERVICE AFTER THE EFFECTIVE DATE OF THIS ACT MUST MEET THE REGULATIONS AND GUIDELINES FOR REEMPLOYMENT. /

**RENUMBER SECTIONS TO CONFORM.
AMEND TITLE TO CONFORM.**

South Carolina General Assembly
121st Session, 2015-2016

H. 3767

STATUS INFORMATION

General Bill

Sponsors: Rep. White

Document Path: I:\council\bill\bh\26238vr15.docx

Introduced in the House on March 3, 2015

Currently residing in the House Committee on **Ways and Means**

Summary: Prohibit levy of certain property taxes

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
3/3/2015	House	Introduced and read first time (<u>House Journal-page 21</u>)
3/3/2015	House	Referred to Committee on Ways and Means (<u>House Journal-page 21</u>)

View the latest legislative information at the website

VERSIONS OF THIS BILL

3/3/2015

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A BILL

11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, BY ADDING SECTION 12-37-221 SO AS TO PROHIBIT
13 THE LEVY OF CERTAIN PROPERTY TAXES ON REAL
14 PROPERTY OWNED OR LEASED TO CERTAIN CHILDCARE
15 PROVIDERS; TO AMEND SECTION 63-13-20, RELATING TO
16 THE DEFINITION OF TERMS USED IN THE REGULATION
17 OF CHILDCARE FACILITIES, SO AS TO CLARIFY THE
18 TYPES OF DAYTIME PROGRAMS AND DAY CAMPS TO
19 WHICH THE DEFINITION APPLIES; BY ADDING SECTION
20 63-13-220 SO AS TO PROHIBIT USE OF ABC VOUCHERS BY
21 CERTAIN CHILDCARE FACILITIES AND TO REQUIRE THE
22 GENERAL ASSEMBLY TO APPROPRIATE FUNDS
23 ANNUALLY; AND BY ADDING SECTION 63-13-470 SO AS
24 TO PROVIDE FOR LICENSING AND APPROVAL
25 REQUIREMENTS FOR PRIVATE CHILDCARE CENTERS
26 AND GROUP CHILDCARE HOMES.

27
28 Be it enacted by the General Assembly of the State of South
29 Carolina:

30
31 SECTION 1. A. Article 3, Chapter 37, Title 12 of the 1976 Code
32 is amended by adding:

33
34 "Section 12-37-221. If a school district offers more early
35 childhood programs than those required by Section 59-5-65(8), then
36 it may not levy school operating millage on licensed private
37 childcare providers in the district that are licensed by the South
38 Carolina Department of Social Services pursuant to Article 3,
39 Chapter 13, Title 63."

40
41 B. This SECTION takes effect upon approval by the Governor
42 and first applies in property tax years beginning after 2014.

1

2 SECTION 2. Section 63-13-20(4) of the 1976 Code is amended to
3 read:

4

5 “(4) ‘Childcare facilities’ means a facility which provides care,
6 supervision, or guidance for a minor child who is not related by
7 blood, marriage, or adoption to the owner or operator of the facility
8 whether or not the facility is operated for profit and whether or not
9 the facility makes a charge for services offered by it. This definition
10 includes, but is not limited to, day nurseries, nursery schools,
11 childcare centers, group childcare homes, and family childcare
12 homes. The term does not include:

13 (a) an educational facility, whether private or public, which
14 operates solely for educational purposes in grade one or above;

15 (b) five-year-old kindergarten programs;

16 (c) kindergartens or nursery schools or other daytime
17 programs, including public, private, and nonprofit programs, with
18 or without stated educational purposes, operating no more than ~~four~~
19 hours one hour a day and receiving children younger than ~~lawful~~
20 school twelve years of age;

21 (d) facilities operated for more than four hours a day in
22 connection with a shopping center or service or other similar
23 facility, where the same children are cared for less than four hours a
24 day and not on a regular basis as defined in this chapter while
25 parents or custodians of the children are occupied on the premises
26 or are in the immediate vicinity and immediately available;
27 however, these facilities must meet local fire and sanitation
28 requirements and maintain documentation on these requirements on
29 file at the facility available for public inspection;

30 (e) ~~school vacation or school holiday day camps for children~~
31 operating in distinct sessions running less than three with sessions
32 lasting two weeks per session unless the day camp permits children
33 to enroll in successive sessions so that their total attendance may
34 exceed three weeks. This chapter prohibits any business from
35 operating any school vacation or school holiday camp or education
36 program that cares for children for more than two weeks without
37 having a childcare license. This includes programs that run multiple
38 two-week programs successfully so that children can attend for
39 more than two weeks by stacking programs/themes throughout the
40 summer. Programs lasting more than two weeks must comply with
41 this chapter before opening, including the requirement to be licensed
42 by the department;

43 (f) summer resident camps for children;

1 (g) bible schools normally conducted during vacation
2 periods;

3 (h) facilities for persons with intellectual disability provided
4 for in Chapter 21, Title 44;

5 (i) facilities for the mentally ill as provided for in Chapter 17,
6 Title 44;

7 (j) childcare centers and group childcare homes owned and
8 operated by a local church congregation, or an established religious
9 denomination, or a religious college or university which does not
10 receive state or federal financial assistance for childcare services;
11 however, these facilities must comply with the provisions of Article
12 9; and Sections 63-13-60 and 63-13-110, and that these facilities
13 voluntarily may elect to become licensed according to the process
14 as set forth in Article 3 and Sections 63-13-30, 63-13-40, 63-13-70,
15 63-13-80, 63-13-90, 63-13-100, 63-13-160, and 63-13-170.”

16

17 SECTION 3. Article 1, Chapter 13, Title 63 of the 1976 Code is
18 amended by adding:

19

20 “Section 63-13-220. (A) The department’s childcare facility
21 licensing division administers the ABC Childcare Program which
22 makes payments to childcare providers to care for children from low
23 income families so their parents can work. The department may
24 issue ABC Childcare Program vouchers only to childcare facilities
25 that are licensed or registered by the department’s childcare facility
26 licensing division and that are in compliance with regulations
27 promulgated by the department pursuant to this section or by
28 another provision of law.

29 (B) Each year in the annual general appropriations act, the
30 General Assembly shall appropriate at least five hundred thousand
31 dollars to the program to be used in childcare facilities licensed by
32 the department.”

33

34 SECTION 4. Article 3, Chapter 13, Title 63 of the 1976 Code is
35 amended by adding:

36

37 “Section 63-13-470. A regular license or regular approval issued
38 by the department to private childcare centers or group childcare
39 homes is valid for two years from the date of issuance, unless
40 revoked by the department or voluntarily surrendered by the director
41 of the private childcare center or the director of the group childcare
42 home; provided, however, that a change in location, ownership, or
43 sponsorship of the facility automatically voids the license or

1 approval. After the private childcare center or group childcare home
2 has been in business for two years, the renewal license is valid for
3 three years from the date of issuance.”

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5 SECTION 5. This act takes effect upon approval by the Governor.

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