**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.

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

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

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

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

SECTION 2. 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, and nonprofit programs, with or without stated educational purposes, operating no more than ~~four hours~~ one hour a day and receiving children younger than ~~lawful school~~ twelve years of age;

(d) facilities operated for more than four 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. This includes programs that run multiple two‑week programs successfully 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 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.”

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

“Section 63‑13‑220. (A) 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.

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

SECTION 4. 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 5. This act takes effect upon approval by the Governor.

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