**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑78‑230 SO AS TO PROVIDE THAT THE POLITICAL SUBDIVISION MAY VOLUNTARILY ESTABLISH A FUND TO SETTLE MULTIPLE CLAIMS FOR LOSS RESULTING FROM A SINGLE OCCURRENCE WHEN THE AGGREGATE AMOUNT OF THE CLAIMS EXCEEDS THE LIMITS ESTABLISHED IN THE TORT CLAIMS ACT; AND BY ADDING SECTION 15‑78‑240 SO AS TO PROVIDE THAT THE BOARD OF ECONOMIC ADVISORS MUST CALCULATE ADJUSTMENTS IN THE LIMITATIONS ON DAMAGES.

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

SECTION 1. Chapter 78, Title 15 of the 1976 Code is amended by adding:

“Section 15‑78‑230. (A) Notwithstanding any other provision of this chapter, a political subdivision may establish a fund to settle multiple claims for loss resulting from a single occurrence when the aggregate amount of the claims exceed the limits established in Section 15‑78‑120. A fund established pursuant to this section is the sole financial responsibility of the political subdivision and only may include monies appropriated by the political subdivision for that specific purpose. The provisions of this section are strictly voluntary, and an action taken in furtherance of establishing a fund does not increase the limits on liability for political subdivisions established by Section 15‑78‑120 and does not obligate any entity providing insurance for tort liability to a political subdivision to contribute to the fund.

(B) A political subdivision shall pay each claimant a percentage of the fund established for a particular occurrence equal to the percentage of the economic damages suffered by the claimant in relation to the total amount of economic damages suffered by all claimants to the fund for the particular occurrence.

Section 15‑78‑240. At the end of each calendar year, the State Budget and Control Board, Board of Economic Advisors must determine the increase or decrease in the ratio of the Consumer Price Index to the index as of December thirty-first of the previous year, and the limitation on compensation for damages pursuant to Section 15‑78‑120(a)(1), (2), (3), and (4) must be increased or decreased accordingly. As soon as practicable after this adjustment is calculated, the Executive Director of the State Budget and Control Board shall submit the revised limitation on compensation to the State Register for publication pursuant to Section 1‑23‑40(2), and the revised limitation becomes effective upon publication in the State Register. For purposes of this subsection, ‘Consumer Price Index’ means the Consumer Price Index for All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics.”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor and applies to any occurrence after January 1, 2011, except the provisions of Section 15‑78‑240 will apply to all occurrences taking place in the year after publication regardless of when the suit is filed or the case is finally settled or adjudicated.

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