**A** **JOINT RESOLUTION**

TO TRANSFER TWO MILLION DOLLARS FROM THE INSURANCE RESERVE FUND TO THE SPARTANBURG DISASTER RELIEF FUND; AND TO CREATE THE SPARTANBURG DISASTER RELIEF FUND TO COMPENSATE VICTIMS OF THE AMUSEMENT TRAIN DERAILMENT IN CLEVELAND PARK IN SPARTANBURG COUNTY FOR CERTAIN MEDICAL COSTS, TO SET FORTH A PROCESS FOR THE APPOINTMENT OF A FUND ADMINISTRATOR, AND TO SET FORTH THE MANNER IN WHICH CLAIMS ARE PAID.

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

SECTION 1. From funds in the Insurance Reserve Fund, there is transferred two million dollars to the Spartanburg Disaster Relief Fund.

SECTION 2. (A) There is created in the State Treasury the Spartanburg County Amusement Train Disaster Relief Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year. The purpose of the fund is to compensate victims of the amusement train derailment in Cleveland Park in Spartanburg County on March 19, 2011, for medical costs not covered by insurance or other means which exceed the individual victim’s share of the maximum amount recoverable from a governmental entity for a single occurrence pursuant to Section 15‑78‑120 of the Tort Claims Act.

(B) The Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee jointly shall appoint an administrator for the fund. The administrator shall serve without compensation and until all claims to the fund have been processed. The administrator shall establish a sixty day period to receive claims to the fund. For two weeks prior to the opening of the claims period, the administrator must publish a notice in a newspaper of general circulation in Spartanburg County the procedure by which claims may be submitted. The State Office of Victim Assistance shall provide administrative and logistical assistance to the administrator. The administrator may use up to fifty thousand dollars from the fund to defray the costs associated with managing the fund and to reimburse the State Office of Victim Assistance for any costs associated with providing support.

(C) At the close of the claims period, the administrator shall pay to each claimant the actual amount of their verifiable medical expenses if the aggregate amount of claims to the fund does not exceed the amount available in the fund. If the aggregate amount of claims exceeds the amount in the fund, the administrator shall pay each claimant a percentage of the fund equal to the percentage of the uncompensated medical expenses incurred by the claimant in relation to the total amount of uncompensated medical expenses incurred by all claimants to the fund. Funds may only be used to pay victims directly for uncompensated medical expenses and must not be used to pay subrogation claims or attorneys fees. Any monies remaining in the fund after full payment is made to all claimants must be transferred to the Insurance Reserve Fund.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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