

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

ALLEN/NEWBOULT
MARCH 30, 2022

CLERK OF THE HOUSE

REP. BANNISTER PROPOSES THE FOLLOWING AMENDMENT
No. TO H. 4048 (COUNCIL\SA\4048C001.JN.SA22):

REFERENCE IS TO THE BILL AS INTRODUCED.

**AMEND THE BILL, AS AND IF AMENDED, SECTION
1, BY STRIKING SECTION 1-11-445(A) AND
INSERTING:**

**/ “SECTION 1-11-445. (A) THE STATE OF
SOUTH CAROLINA, BY AND THROUGH THE
INSURANCE RESERVE FUND, MUST DEFEND A
STATE AGENCY, DEPARTMENT, OR
INSTRUMENTALITY, AND THE MEMBERS OF A
GOVERNING BOARD OF A STATE AGENCY,
DEPARTMENT, OR INSTRUMENTALITY, AS
APPLICABLE, AGAINST A CLAIM OR SUIT THAT**

ARISES OUT OF OR BY VIRTUE OF THE PERFORMANCE OF OFFICIAL DUTIES ON BEHALF OF THE STATE AGENCY, DEPARTMENT, OR INSTRUMENTALITY AND MUST INDEMNIFY THEM FOR A LOSS OR JUDGMENT INCURRED BY THEM AS A RESULT OF THE CLAIM OR SUIT, WITHOUT REGARD TO WHETHER THE CLAIM OR SUIT IS BROUGHT AGAINST THEM IN THEIR INDIVIDUAL OR OFFICIAL CAPACITIES, OR BOTH. THE STATE ALSO MUST DEFEND OFFICERS AND MANAGEMENT EMPLOYEES OF THE ENTITY, AND LEGISLATIVE EMPLOYEES PERFORMING DUTIES FOR THE ENTITY AGAINST A CLAIM OR SUIT THAT ARISES OUT OF OR BY VIRTUE OF THE PERFORMANCE OF OFFICIAL DUTIES UNLESS THE OFFICER, MANAGEMENT EMPLOYEE, OR LEGISLATIVE EMPLOYEE WAS ACTING IN BAD FAITH AND MUST INDEMNIFY THESE OFFICERS, MANAGEMENT EMPLOYEES, AND LEGISLATIVE EMPLOYEES FOR A LOSS OR JUDGMENT INCURRED BY THEM AS A RESULT OF SUCH CLAIM OR SUIT, WITHOUT REGARD TO WHETHER THE CLAIM OR SUIT IS

BROUGHT AGAINST THEM IN THEIR INDIVIDUAL OR OFFICIAL CAPACITIES, OR BOTH. THIS COMMITMENT TO DEFEND AND INDEMNIFY EXTENDS TO MEMBERS OF THE ENTITY, THE ENTITY'S OFFICERS AND MANAGEMENT EMPLOYEES, THE ENTITY'S DIRECTOR AND OFFICERS AND MANAGEMENT EMPLOYEES, AND LEGISLATIVE EMPLOYEES AFTER THEY HAVE LEFT THEIR EMPLOYMENT WITH THE ENTITY, THE GENERAL ASSEMBLY, OR THE ENTITY, AS APPLICABLE, IF THE CLAIM OR SUIT ARISES OUT OF OR BY VIRTUE OF THEIR PERFORMANCE OF OFFICIAL DUTIES ON BEHALF OF THEIR EMPLOYER. /

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