**South Carolina General Assembly**

120th Session, 2013-2014

**A24, R35, H3624**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Herbkersman, Bingham, Merrill, Harrell, Newton and White

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Introduced in the House on February 26, 2013

Introduced in the Senate on March 7, 2013

Passed by the General Assembly on April 18, 2013

Governor's Action: May 3, 2013, Signed

Summary: PEBA

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2013 House Introduced and read first time ([House Journal‑page 10](file:///h:\HJ%20Archive\2013\02-26-13.docx))

2/26/2013 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 10](file:///h:\HJ%20Archive\2013\02-26-13.docx))

2/28/2013 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 4](file:///h:\HJ%20Archive\2013\02-28-13.docx))

3/6/2013 House Read second time ([House Journal‑page 74](file:///h:\HJ%20Archive\2013\03-06-13.docx))

3/6/2013 House Roll call Yeas‑111 Nays‑0 ([House Journal‑page 75](file:///h:\HJ%20Archive\2013\03-06-13.docx))

3/7/2013 House Read third time and sent to Senate ([House Journal‑page 23](file:///h:\HJ%20Archive\2013\03-07-13.docx))

3/7/2013 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2013\03-07-13.docx))

3/7/2013 Senate Referred to Committee on **Finance** ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2013\03-07-13.docx))

4/10/2013 Senate Committee report: Favorable **Finance** ([Senate Journal‑page 25](file:///h:\SJ%20Archive\2013\04-10-13.docx))

4/17/2013 Senate Read second time ([Senate Journal‑page 21](file:///h:\SJ%20Archive\2013\04-17-13.docx))

4/17/2013 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 21](file:///h:\SJ%20Archive\2013\04-17-13.docx))

4/18/2013 Senate Read third time and enrolled ([Senate Journal‑page 14](file:///h:\SJ%20Archive\2013\04-18-13.docx))

5/2/2013 Ratified R 35

5/3/2013 Signed By Governor

5/13/2013 Effective date See Act for Effective Date

5/13/2013 Act No. 24

**VERSIONS OF THIS BILL**

[2/26/2013](file:///p:\pprever\2013-14\3624_20130226.docx)

[2/28/2013](file:///p:\pprever\2013-14\3624_20130228.docx)

[4/10/2013](file:///p:\pprever\2013-14\3624_20130410.docx)

(A24, R35, H3624)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 9‑4‑15 SO AS TO PROVIDE THAT THE STATE SHALL DEFEND MEMBERS OF THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY (PEBA) AGAINST CLAIMS AND SUITS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES, AND REQUIRE THAT THE STATE INDEMNIFY THESE DIRECTORS FOR ANY LOSS OR JUDGMENT INCURRED BY THEM WITH RESPECT TO SUCH A CLAIM OR SUIT, TO PROVIDE THAT THE STATE SHALL DEFEND PEBA OFFICERS AND MANAGEMENT EMPLOYEES AGAINST CLAIMS AND SUITS ARISING OUT OF THE PERFORMANCE OF THEIR OFFICIAL DUTIES UNLESS THE OFFICER OR MANAGEMENT EMPLOYEE WAS ACTING IN BAD FAITH, AND REQUIRE THAT THE STATE INDEMNIFY PEBA OFFICERS AND MANAGEMENT EMPLOYEES FOR ANY LOSS OR JUDGMENT INCURRED BY THEM WITH RESPECT TO SUCH A CLAIM OR SUIT, AND TO EXTEND THE REQUIREMENT TO DEFEND AND INDEMNIFY MEMBERS OF THE BOARD OF DIRECTORS, OFFICERS, AND MANAGEMENT EMPLOYEES OF PEBA TO SUCH PERSONS AFTER LEAVING OFFICE OR EMPLOYMENT WITH PEBA FOR OFFICIAL DUTIES UNDERTAKEN BY THEM WHILE SERVING AS A DIRECTOR, OFFICER, OR MANAGEMENT EMPLOYEE OF PEBA.**

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

**South Carolina Public Employee Benefit Authority, obligation to defend and indemnify**

SECTION 1. Article 1, Chapter 4, Title 9 of the 1976 Code is amended by adding:

“Section 9‑4‑15. The State shall defend the members of the Board of Directors of the South Carolina Public Employee Benefit Authority (PEBA) established pursuant to this article against a claim or suit that arises out of or by virtue of their performance of official duties on behalf of the authority and must indemnify these directors 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 shall defend officers and management employees of PEBA against a claim or suit that arises out of or by virtue of performance of official duties unless the officer or management employee was acting in bad faith and must indemnify these officers, and management 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 PEBA directors, officers, and management employees after they have left their office or employment with PEBA, as applicable, if the claim or suit arises out of or by virtue of their performance of official duties on behalf of PEBA.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor and applies with respect to any official duties undertaken by directors, officers, and management employees of the South Carolina Public Employee Benefit Authority after June 30, 2012.

Ratified the 2nd day of May, 2013.

Approved the 3rd day of May, 2013.

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