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# The State of South Carolina



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OPINION NO. \_\_\_\_\_

November 27, 1990

SYLLABI: (1) The State Budget and Control Board is clearly authorized to provide tort liability insurance to insure Tax Commission officials from personal liability that may arise during the performance of their official duties if these officials violate the federal Constitution. In addition, public policy considerations strongly support the State's provision of adequate tort liability insurance for public officials in order to protect them from potential personal financial liability for their official acts.

(2) The Budget and Control Board is required by the General Assembly to provide tort liability insurance to the South Carolina Tax Commission to cover those tort risks for which sovereign immunity is waived by the South Carolina Tort Claims Act.

TO: The Honorable S. Hunter Howard, Jr.  
Chairman  
South Carolina Tax Commission

FROM: Edwin E. Evans  
Chief Deputy Attorney General