

SETTLEMENT OR ANY JUDGMENT RENDERED BY A COURT OF COMPETENT JURISDICTION AGAINST A STATE OFFICER OR STATE EMPLOYEE. THE GRANT MAY INCLUDE ATTORNEY'S FEES, OR COSTS, OR BOTH.

(2) THE BOARD MAY PAY THE GRANT IN LUMP SUM OR IN INSTALLMENTS.

(3) THE BOARD MAY MAKE THE GRANT ONLY (I) UPON WRITTEN APPLICATION TO THE BOARD SPECIFYING THE APPLICANT'S REASONS FOR BELIEVING THE JUDGMENT TO BE A STATE RESPONSIBILITY; (II) UPON A HEARING BEFORE THE BOARD OR A HEARING OFFICER APPOINTED BY IT; (III) AFTER A WRITTEN REPORT IS RECEIVED FROM THE ATTORNEY GENERAL, IF THE APPLICANT IS A STATE OFFICER OR EMPLOYEE FOR PURPOSES OF ARTICLE 32A AND A DEFENSE WAS PROVIDED TO THE OFFICER OR EMPLOYEE PURSUANT TO THE PROVISIONS OF ARTICLE 32A OF THE CODE; AND (IV) AFTER A WRITTEN OPINION HAS BEEN FILED BY THE BOARD ASSIGNING ITS REASONS FOR THE GRANT OR DENIAL.

(4) AS A CONDITION TO THE PAYMENT OF THE GRANT, THE BOARD SHALL FIND THAT THE ACT OR OMISSION OF THE STATE OFFICER OR STATE EMPLOYEE OCCURRED DURING THE PERFORMANCE OF HIS DUTIES AND IN THE SCOPE OF HIS EMPLOYMENT, DID NOT AMOUNT TO GROSS NEGLIGENCE, AND WAS DONE WITHOUT MALICE. THE FINDING SHALL BE INCLUDED IN THE WRITTEN OPINION OF THE BOARD.

(C) THE PAYMENT OF THE GRANT BY THE BOARD SHALL NOT BE CONSTRUED TO ABROGATE THE SOVEREIGN IMMUNITY OF THE STATE OR DEPRIVE ANY AGENCY, BOARD, COMMISSION, DEPARTMENT, OFFICER, OR INSTITUTION, OR ANY EMPLOYEE THEREOF, OF ITS SOVEREIGN IMMUNITY. NO APPEAL SHALL LIE TO ANY COURT FROM A DECISION OF THE BOARD OF PUBLIC WORKS MADE PURSUANT TO THIS SECTION.

(D) (1) FOR THE PURPOSES OF THIS SECTION, THE TERM "STATE OFFICER" INCLUDES A PERSON WHO HOLDS A POSITION WHICH, WHILE ACTING IN THE PERFORMANCE OF HIS DUTIES AND WITHIN THE SCOPE OF HIS EMPLOYMENT, INVOLVES THE EXERCISE OF DISCRETION AND INVOLVES THE DISCHARGE OF A PORTION OF THE SOVEREIGNTY OF THE STATE, REGARDLESS OF THE AMOUNT OR SOURCE OF HIS COMPENSATION.

(2) FOR THE PURPOSES OF THIS SECTION, THE TERM "STATE EMPLOYEE" INCLUDES:

(I) ANY REGULAR CLASSIFIED OR UNCLASSIFIED EMPLOYEE OF THE STATE FOR WHOM COMPENSATION IS PROVIDED FOR BY STATE APPROPRIATION OR WHOSE COMPENSATION IS PAID, IN WHOLE OR IN PART, FROM STATE FUNDS;

(II) ANY EMPLOYEE SUBJECT TO THE JURISDICTION OF THE STATE DEPARTMENT OF PERSONNEL;

(III) AN OFFICER, WARRANT OFFICER, OR ENLISTED MEMBER OF THE ORGANIZED MILITIA;

(IV) AN EMPLOYEE OR MEMBER OF A COMMUNITY