

(1) the State personnel submits to the Board a written application that sets forth each reason of the State personnel for believing the settlement or judgment is a responsibility of the State;

(2) the Board or a hearing officer that the Board appoints holds a hearing on the application;

(3) as to a judgment, it was rendered by a court of competent jurisdiction;

(4) as to an applicant for whom the Attorney General appeared under Subtitle 3 of this title, the Attorney General files a written report and recommendation;

(5) on the bases of the hearing and any report and recommendation, the Board finds that:

(i) when the act or omission was made, the applicant was performing a duty within the scope of the employment of the applicant;

(ii) the act or omission was not malicious; and

(iii) the act or omission was not grossly negligent; and

(6) if there is any question whether the applicant is State personnel for purposes of this subtitle, the Board finds that, regardless of the method, source, or amount of compensation, the applicant is State personnel.

[12-406.

(a) (1) The Board of Public Works may pay a settlement or judgment from:

(i) the General Emergency Fund;

(ii) money appropriated for that purpose in the State budget; or

(iii) money appropriated to the State Insurance Trust Fund for that purpose.

(2) The Board of Public Works may make the payment in lump sum or in installments.

(b) The Board of Public Works shall state, in writing, its reasons for approval or disapproval of the application, including its findings under § 12-405(5) of this subtitle.