

(i) with respect to any settlement, the county solicitor or county attorney files a written report and recommendation and the Attorney General files a written report and recommendation; or

(ii) with respect to any judgment, the Attorney General files a written report and recommendation;

(6) 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

(7) 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.

12-501.

(a) (1) The Board of Public Works may approve payment of a settlement, a judgment, or counsel fees under Subtitles 3 and 4 of this title with or without a hearing, and direct payment from:

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

(ii) money appropriated to the State Insurance Trust Fund for that purpose; OR

(iii) the General Emergency Fund[; or].

[(iv)] (2) THE BOARD OF PUBLIC WORKS MAY APPROVE PAYMENT OF A SETTLEMENT, A JUDGMENT, OR COUNSEL FEES UNDER SUBTITLES 3 AND 4 OF THIS TITLE WITH OR WITHOUT A HEARING, AND DIRECT PAYMENT FROM ANY TAX WHICH HAS BEEN APPROPRIATED IN THE STATE BUDGET TO THE SUBDIVISION REPRESENTED BY THE SHERIFF ~~OR~~, DEPUTY SHERIFF, OR EMPLOYEE OF A SHERIFF'S OFFICE ON WHOSE BEHALF THE PAYMENT IS TO BE MADE, OR DIRECT PAYMENT FROM THE SUBDIVISION'S SHARE OF ANY INCOME TAX COLLECTED BY THE STATE COMPTROLLER, in connection with any settlement or judgment paid on behalf of any sheriff ~~or~~, deputy sheriff ~~, or employee of a sheriff's office~~, OR EMPLOYEE OF A SHERIFF'S OFFICE for any claim except those claims [directly] relating to [courthouse security, service of process, or the transportation of inmates to or from court proceedings]:

(I) COURTHOUSE SECURITY;

(II) TRANSPORTATION OF PRISONERS;

(III) SERVICE OF PROCESS;

(IV) PERSONNEL AND OTHER ADMINISTRATIVE ACTIVITIES;