

(III) IF THERE IS NO SURVIVING SPOUSE OR CHILDREN, TO THE SURVIVING PARENT OR PARENTS, IF THE PARENT WAS A DEPENDENT AS DEFINED IN § 152 OF THE INTERNAL REVENUE CODE.

(E) FUNDS FOR BENEFITS.

A DEATH BENEFIT UNDER THIS SECTION SHALL BE PAID OUT OF FUNDS WHICH THE GOVERNOR MAY APPROPRIATE FOR THAT PURPOSE IN THE STATE BUDGET.

(F) APPEALS.

A DECISION OF THE SECRETARY UNDER THIS SECTION:

(1) IS THE FINAL ADMINISTRATIVE DECISION; AND

(2) IS NOT SUBJECT TO APPEAL UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-1004.

Former Art. 41, § 4-1004(a)(2), revised in subsection (b) of this section, defined an "employee" as "an individual employed in the State Personnel Management System or in any other authorized personnel system established for a unit of State government" except "an employee covered by the provisions of § 4-1002 of this subtitle". Although former Art. 41, § 4-1002(a)(2) was a definition of "employee", it served only to delimit the scope of this section. It is revised as a scope provision to clarify that function, and for consistency with the style used in Division I of this article.

In subsection (c)(1)(i) of this section, the reference to any employee "subject to this section" is substituted for the former reference to any employee "of the State" in light of subsection (b) of this section.

In subsection (d)(1) of this section, the reference to the "head of the unit" is substituted for the former reference to the "Secretary or other administrative head of the agency" for brevity and consistency with the terminology used in Division I of this article.

In subsection (d)(2)(ii) of this section, the former reference to the surviving "child or" children "of the decedent" is deleted as unnecessary in light of the use of the defined term "child".

In the introductory language of subsection (f) of this section, the reference to a decision of the Secretary "under this section" is added for clarity.