

~~(2) (4) A DEATH BENEFIT IN THE AMOUNT OF \$50,000 SHALL BE PAID TO THE SURVIVING SPOUSE, CHILDREN, OR DEPENDENT PARENTS OF ANY MEMBER OF THE MARYLAND NATIONAL GUARD SUBJECT TO THIS SECTION WHO IS KILLED IN THE PERFORMANCE OF DUTIES.~~

~~(II) A DEATH BENEFIT MAY NOT BE PAID UNDER THIS PARAGRAPH IF A MEMBER OF THE NATIONAL GUARD IS KILLED AS A RESULT OF THE MEMBER'S NEGLIGENCE.~~

~~(III) AN INDIVIDUAL WHO RECEIVES A DEATH BENEFIT UNDER THIS PARAGRAPH MAY NOT ALSO RECEIVE A DEATH BENEFIT UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION.~~

~~(IV) A DEATH BENEFIT MAY NOT BE PAID UNDER THIS PARAGRAPH IF AN INDIVIDUAL IS ELIGIBLE TO RECEIVE DEPENDENCY AND INDEMNITY COMPENSATION UNDER RULES PRESCRIBED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.~~

(2) (4) (3) A death benefit under this section shall be in addition to any:

(i) workers' compensation benefits;

(ii) proceeds of any form of life insurance, regardless of who paid the premiums on the insurance; [and]

(iii) benefit provided to a State employee covered by the provisions of Article 41, § 4-1002 of the Code; AND

(IV) EXCEPT AS PROVIDED IN PARAGRAPH ~~(3)(IV)~~ (1)(III) OF THIS SUBSECTION, BENEFITS PAID TO A MEMBER OF THE MARYLAND NATIONAL GUARD, THE MEMBER'S ESTATE, OR THE MEMBER'S BENEFICIARIES OR SURVIVORS BY THE UNITED STATES.

(d) (1) On notification by the head of the unit that employed the decedent, the Secretary shall determine whether a death benefit will be paid under this section.

(2) If the Secretary determines that a death benefit is payable, payment shall be made:

(i) to the surviving spouse;

(ii) if there is no surviving spouse, to the surviving children, in equal shares; or

(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) 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) A decision of the Secretary under this section: