

(II) OVER 18 YEARS OF AGE AND INCAPABLE OF SELF-SUPPORT BECAUSE OF PHYSICAL OR MENTAL DISABILITY.

(4) "STEPCHILD" MEANS A CHILD OF THE SURVIVING SPOUSE WHO WAS LIVING WITH OR DEPENDENT FOR SUPPORT ON THE DECEDENT AT THE TIME OF DEATH.

(B) (1) AS PROVIDED IN THIS SECTION, A DEATH BENEFIT SHALL BE PAID TO THE SURVIVING SPOUSE, CHILDREN, OR DEPENDENT PARENTS OF ANY EMPLOYEE OF THE STATE WHO IS KILLED IN THE PERFORMANCE OF DUTIES ON OR AFTER JULY 1, 1992.

(2) THE AMOUNT OF THE BENEFIT SHALL BE \$50,000.

(3) A DEATH BENEFIT UNDER THIS SECTION SHALL BE IN ADDITION TO ANY:

(I) WORKERS' COMPENSATION BENEFITS; AND

(II) PROCEEDS OF ANY FORM OF LIFE INSURANCE, REGARDLESS OF WHO PAID THE PREMIUMS ON THE INSURANCE.

(4) A DEATH BENEFIT MAY NOT BE PAID UNDER THIS SECTION IF AN EMPLOYEE IS KILLED AS A RESULT OF THE EMPLOYEE'S NEGLIGENCE.

(C) THE PAYMENT OF A DEATH BENEFIT UNDER THIS SECTION SHALL BE MADE OUT OF FUNDS WHICH THE GOVERNOR MAY APPROPRIATE FOR THAT PURPOSE IN THE STATE BUDGET.

(D) (1) UPON NOTIFICATION BY THE SECRETARY OR OTHER ADMINISTRATIVE HEAD OF THE AGENCY THAT EMPLOYED THE DECEDENT, THE SECRETARY OF PERSONNEL SHALL DETERMINE WHETHER A DEATH BENEFIT UNDER THIS SECTION SHALL BE PAID.

(2) UPON A DETERMINATION BY THE SECRETARY OF PERSONNEL THAT A DEATH BENEFIT UNDER THIS SECTION IS TO BE PAID, PAYMENT SHALL BE MADE AS FOLLOWS:

(I) TO THE SURVIVING SPOUSE;

(II) IF THERE IS NO SURVIVING SPOUSE, TO THE SURVIVING CHILD OR CHILDREN OF THE DECEDENT 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 SECTION 152 OF THE INTERNAL REVENUE CODE.