

CHAPTER 408
FORMERLY
SENATE BILL NO. 325

AN ACT TO AMEND TITLES 11 AND 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN, THE COUNTY AND MUNICIPAL EMPLOYEES' PENSION PLAN, THE COUNTY AND MUNICIPAL POLICE/FIREFIGHTER PENSION PLAN, THE STATE JUDICIARY PENSION PLAN, THE STATE POLICE PENSION PLAN, AND PENSIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 5531, Chapter 55, Title 29 of the Delaware Code by adding a new subsection (c), to read as follows:

“(c) A service pension, disability pension, or survivor's pension applied for under this act may be paid into a Miller Trust Bank account, pursuant to the creation of an irrevocable Income Assignment Trust (“Miller Trust”), established on behalf of an eligible pensioner or survivor covered under this chapter who is a person with disabilities, so long as the Miller Trust is established consistent with the Laws of the State of Delaware, the Laws of the United States and in accordance with the rules and regulations of the local and federal agencies responsible for administering assistance programs for persons with disabilities.”

Section 2. Amend § 5606, Chapter 56, Title 29 of the Delaware Code by adding a new subsection (d), to read as follows:

“(d) A service pension, disability pension, or survivor's pension applied for under this act may be paid into a Miller Trust Bank account, pursuant to the creation of an irrevocable Income Assignment Trust (“Miller Trust”), established on behalf of an eligible pensioner or survivor covered under this chapter who is a person with disabilities, so long as the Miller Trust is established consistent with the Laws of the State of Delaware, the Laws of the United States and in accordance with the rules and regulations of the local and federal agencies responsible for administering assistance programs for persons with disabilities.”

Section 3. Amend § 5581, Chapter 55A, Title 29 of the Delaware Code by adding a new subsection (c), to read as follows:

“(c) A service pension, disability pension, or survivor's pension applied for under this act may be paid into a Miller Trust Bank account, pursuant to the creation of an irrevocable Income Assignment Trust (“Miller Trust”), established on behalf of an eligible pensioner or survivor covered under this chapter who is a person with disabilities, so long as the Miller Trust is established consistent with the Laws of the State of Delaware, the Laws of the United States and in accordance with the rules and regulations of the local and federal agencies responsible for administering assistance programs for persons with disabilities.”

Section 4. Amend § 8826, Chapter 88, Title 11 of the Delaware Code by adding a new subsection (c), to read as follows:

“(c) A service pension, disability pension, or survivor's pension applied for under this act may be paid into a Miller Trust Bank account, pursuant to the creation of an irrevocable Income Assignment Trust (“Miller Trust”), established on behalf of an eligible pensioner or survivor covered under this chapter who is a person with disabilities, so long as the Miller Trust is established consistent with the Laws of the State of Delaware, the Laws of the United States and in accordance with the rules and regulations of the local and federal agencies responsible for administering assistance programs for persons with disabilities.”

Section 5. Amend § 8376, Chapter 83, Title 11 of the Delaware Code by adding a new subsection (c), to read as follows:

“(c) A service pension, disability pension, or survivor's pension applied for under this act may be paid into a Miller Trust Bank account, pursuant to the creation of an irrevocable Income Assignment Trust (“Miller Trust”), established on behalf of an eligible pensioner or survivor covered under this chapter who is a person with disabilities, so long as the Miller Trust is established consistent with the Laws of the State of Delaware, the Laws of the United States and in accordance with the rules and regulations of the local and federal agencies responsible for administering assistance programs for persons with disabilities.”

Section 6. This Act shall be effective as of the date of its enactment

Approved July 15, 2010