

LAWS OF DELAWARE
VOLUME 83
CHAPTER 504
151st GENERAL ASSEMBLY
FORMERLY
SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 14
AS AMENDED BY
SENATE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 3
AND
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE EMPLOYEES' PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 55, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5548. Establishment of Post Retirement Benefit Fund.

(a) (1) There shall be established a State Post Retirement Benefit Fund, hereinafter referred to as the "Post Retirement Fund," separate and distinct from the funds established under §§ 5541 and 5601 of this title; § 8393 of Title 11, to which state appropriations and other employer contributions shall be deposited monthly, and to which earnings on investments, refunds and reimbursements shall be deposited upon receipt, and from which such post retirement benefits as the General Assembly may hereafter legislate shall be paid and any fees and expenses authorized by the Board shall be paid. No money shall be disbursed from this fund except for the purpose of providing funding for post retirement increases for employees retired under this chapter; Chapter 56 of this title; Chapter 83 of Title 11.

(2) The Board of Pension Trustees shall review the balance in the Post Retirement Fund at the end of each fiscal year and make any recommendations for adjustments in the funding rate for the succeeding fiscal year to ensure that the ~~balance in this fund, net of liabilities, does not exceed 2.5% rate~~ be sufficient to fund post retirement increases authorized under this section. ~~of the total projected covered payroll of the State Employees' Pension Plan (Chapter 55 of Title 29), the State Judiciary Plan (Chapter 56 of Title 29), and the new State Police Pension Plan (Chapter 83 of Title 11).~~

(b) (1) In the event that the General Assembly shall introduce legislation proposing post retirement increases, the Board of Pension Trustees shall review each such proposal to determine if sufficient funds are projected to be available in the Post Retirement Fund to provide the funding necessary to fund the increase ~~over a 5-year period.~~ granted by the General Assembly. In addition, any pension increases granted shall not be substantively automatic. If the Board determines that insufficient funds will be available to fund the increase, ~~they will~~ the Board shall notify the Governor and the General Assembly that an additional appropriation will be required in order to provide the post retirement increase being proposed.

(2) Any monthly service, disability, and survivor pension based on former service or disability pension that was effective 20 years or more prior to the date of the pension increase and is payable upon the date of the increase, shall be increased greater than any pension that was effective less than 20 years prior to the date of the pension increase.

Section 2. It is the intent of the General Assembly that the pension increase pursuant to § 5548 of Title 29 be incrementally increased from the current rate to a rate in accordance with § 5544(c)(1) of Title 29.

Approved October 26, 2022