



SPONSOR: Sen. Brown & Sen. Pinkney & Rep. Bolden
Sens. Gay, Hansen, Hoffner, Huxtable, Mantzavinos,
S. McBride, Pettyjohn, Walsh, Wilson; Reps. Baumbach,
Briggs King, Carson, Griffith, Lambert, S. Moore,
Morrison, Parker Selby, D. Short, Michael Smith, Yearick

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 42

AN ACT TO AMEND TITLE 18 AND TITLE 29 OF THE DELAWARE CODE RELATING TO BURIAL BENEFITS.

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

Section 1. Amend § 5546, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5546. Burial benefits.

(a) Upon the death of an individual receiving a pension under this chapter the sum of ~~\$7,000 shall~~ \$10,000 must be paid from the Fund to a designated beneficiary ~~or or~~, in the absence of a designated ~~beneficiary~~ beneficiary, the amount of this benefit ~~shall~~ must be paid to the deceased pensioner's estate.

Section 2. Amend § 6750, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6750. Funeral expenses for deceased volunteer firefighters.

The ~~reasonable~~ funeral expenses of a deceased member of a volunteer fire company, volunteer fire company ladies ~~auxiliary~~ auxiliary, or volunteer ambulance and rescue company ~~shall~~ must be paid in the amount not to exceed of \$7,000. If the deceased member of such company was a state employee entitled to a funeral benefit, this chapter ~~shall~~ does not apply. A member of a volunteer fire company, volunteer fire company ladies ~~auxiliary~~ auxiliary, or volunteer ambulance and rescue company for the purposes of this chapter is one who has served as an active member of such organization in Delaware for at least 10 years.

Section 3. This Act takes effect on October 1, 2023.

SYNOPSIS

This Act is a substitute for Senate Bill No. 42. Like Senate Bill No. 42, this Act does all of the following:

(1) Section 1 of this Act increases the burial benefit for individuals eligible to receive a pension under the State Employees' Pension Plan (Chapter 55 of Title 29 of the Delaware Code) from \$7,000 to \$10,000. The burial benefit has not been increased since 2001 (See 73 Del. Laws, c. 146, § 5).

(2) As a result of the increase in burial benefit made by Section 1 of this Act, the burial benefit for individuals eligible to receive a pension under the State Police Pension Plan (Chapter 83 of Title 11 of the Delaware Code), Delaware County and Municipal Police and Firefighter Pension Plan (Chapter 88 of Title 11 of the Delaware Code), and the early retirement option for state employees (Chapter 53 of Title 29 of the Delaware Code), and the reasonable funeral expenses permitted in a wrongful death action under § 3724(d)(4) of Title 10 of the Delaware Code, are also increased as these are all linked to the burial benefit amount established under § 5546 of Title 29.

(3) Section 2 of this Act removes the requirement that the funeral expenses paid for the funeral of a deceased member of a volunteer fire company, volunteer fire company ladies auxiliary, or volunteer ambulance and rescue company be reasonable and not exceed a certain amount, resulting in a guaranteed \$7,000 for funeral expenses.

(4) Delays the effect of this Act until October 1, 2023, to provide time to implement this Act after the enactment of the fiscal year 2024 appropriations act containing the funding for this Act.

(5) Makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

This Act differs from Senate Bill No. 42 as follows:

(1) This Act does not increase the amount of funeral expenses paid for the funeral of a deceased member of a volunteer fire company, volunteer fire company ladies auxiliary, or volunteer ambulance and rescue company.

(2) Consistent with legal interpretations of the existing law by state agencies, this Act continues to enable the payment of funeral expenses for the funeral of a deceased member of a volunteer fire company, volunteer fire company ladies auxiliary, or volunteer ambulance and rescue company even if the member was also a state employee entitled to burial benefits under § 8331 of Title 11, § 8395 of Title 11, § 8846 of Title 11, § 5316 of Title 29, or § 5546 of Title 29.

Author: Senator Brown