



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. 2  
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:

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

3           § 5546. Burial benefits.

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

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

9           § 6750. Funeral expenses for deceased volunteer firefighters.

10          (a) ~~The reasonable~~ funeral expenses of a deceased member of a volunteer fire company, volunteer fire company  
11     ladies ~~auxiliary~~auxiliary, or volunteer ambulance and rescue company ~~shall~~must be paid in ~~amount not to exceed~~  
12     ~~\$7,000~~the amount of \$10,000.

13          (b) ~~If the deceased member of such company was a state employee entitled to a funeral benefit, this chapter shall~~  
14     ~~not apply. A~~ For the purpose of this chapter, a member of a volunteer fire company, volunteer fire company ladies auxiliary  
15     auxiliary, or volunteer ambulance and rescue company for the purposes of this chapter is one is an individual who has  
16     served as an active member of ~~such~~the organization in Delaware for at least 10 years.

17          (c) If an individual eligible for funeral expenses under this chapter was a state employee entitled to a benefit under  
18     § 8331 of Title 11, § 8395 of Title 11, § 8846 of Title 11, § 5316 of Title 29, or § 5546 of Title 29, the individual is also  
19     eligible for the benefit under this chapter.

### SYNOPSIS

This Act is a substitute for Senate Bill No. 42 and Senate Substitute No. 1 for Senate Bill No. 42. Like Senate Bill No. 42 and Senate Substitute No. 1 for 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.

(4) Section 3 of this Act 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 Substitute No. 1 for Senate Bill No. 42 as follows:

(1) This Act increases to \$10,000 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. This is consistent with Senate Bill No. 42.

(2) Consistent with a legal interpretation 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. However, this Act makes changes to existing law to make this legal interpretation clear.

Author: Senator Brown