



SPONSOR: Rep. Carson & Sen. Brown
Reps. Bolden, Harris, Heffernan, Lambert, Morrison,
Michael Smith, Yearick; Sens. Gay, Hansen, Hocker,
Huxtable, Mantzavinos, Walsh, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 289

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 \$8,000 must
5 be paid from the Fund to a designated beneficiary ~~or~~ or, in the absence of a designated ~~beneficiary~~ beneficiary, the amount
6 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 \$7,000.~~
12 the amount of \$8,000.

13 (b) ~~If the deceased member of such company was a state employee entitled to a funeral benefit, this chapter shall~~
14 ~~not apply.~~ 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.

20 Section 3. This Act takes effect on October 1, 2024.

SYNOPSIS

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 \$8,000. The burial benefit has not been increased since 2001 (See 73 Del. Laws, c. 146, § 5). This increase will also apply to funeral benefits that reference the amount in this section.

Section 2 of this Act increases the funeral expenses paid for a deceased member of a volunteer fire company, volunteer fire company ladies auxiliary, or volunteer ambulance and rescue company from \$7,000 to \$8,000. This burial benefit has not been increased since 2004 (See 74 Del. Laws, c. 339, § 1).

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 and to specifically identify the state employee burial benefits to which this provision applies.

This Act takes effect on October 1, 2024, to provide time to implement this Act after the enactment of the fiscal year 2025 appropriations act containing the funding for this Act.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.