

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. 453

(By Mr. Tucker)

PASSED March 11 1955

In Effect for Passage

Filed In the Office of the Secretary of State
of West Virginia

MAR 17 1955

D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED
House Bill No. 453
(By MR. TUCKER)

[Passed March 11, 1955; in effect from passage.]

AN ACT to amend and reenact section twenty-one, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to payments from firemen's and policemen's pension or relief funds to certain surviving dependents.

Be it enacted by the Legislature of West Virginia:

That section twenty-one, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 21. *Payments in Case of Death.*—In case any
2 such municipal employee who has been in continuous
3 service for more than five years shall die while in service,
4 leaving surviving him a dependent wife, or any dependent
5 minor child or children, or dependent mother and/or
6 father, or any dependent brothers and/or sisters under

7 the age of sixteen years, or in case any such former
8 municipal employee who is receiving or is entitled to
9 receive a pension under the provisions of this article, or
10 on a disability basis after he shall have been in continuous
11 service for more than five years, shall die, leaving sur-
12 viving him a dependent wife to whom he was married
13 prior to the date of his retirement, or any dependent
14 minor child or children who were born prior to or within
15 ten months after such retirement, or dependent mother
16 and/or father, or any dependent brothers and/or sisters
17 under the age of sixteen years, then, and in either of such
18 cases the board of trustees of such pension fund shall pay
19 to or for each of such entitled surviving dependents the
20 following pensions, viz: To such dependent widow, the
21 sum of fifty dollars per month until her death or re-
22 marriage; for the support and maintenance of each such
23 dependent child the sum of fifteen dollars per month until
24 such child shall attain the age of eighteen years, or marry,
25 whichever first occurs: *Provided, however,* That the sum
26 of twenty dollars per month shall be paid for each such
27 surviving orphaned child; to each such dependent mother

28 or father the sum of fifteen dollars per month, or if either
29 of them be dead or die, then the sum of twenty dollars
30 per month to the survivor thereof; to each such dependent
31 brother or sister the sum of five dollars per month until
32 such person shall attain the age of sixteen years or marry,
33 whichever first occurs, but in no event shall the aggregate
34 amount paid to such brothers and sisters exceed thirty
35 dollars per month. But if at any time, because of the
36 number of dependents, all such dependents cannot be
37 paid in full as herein provided, then each dependent shall
38 receive his pro rata share of such payments: *Provided,*
39 *however,* That in no case shall the payments to the widow
40 and children be cut below sixty per cent.

41 The dependent wife, child or children, or dependent
42 father or mother, brothers or sisters, of any such municipal
43 employee who shall be killed in the performance of his
44 duties shall, regardless of the length of his service, receive
45 a pension as provided for in that portion of this section
46 fixing the amount to be paid to the dependents.

47 Absence from service because of sickness or injury shall
48 not be construed as time out of service.

49 The dependent wife, child or children, or dependent
50 father or mother, brothers or sisters of any such munici-
51 pal employee or former municipal employee, who at the
52 time this section takes effect is receiving any pension,
53 payment or benefit from the firemen's or policemen's
54 pension or relief funds, shall continue to receive a
55 pension as provided in the portion of this section fixing
56 the amount to be paid to such dependents.

57 The provisions of this section shall not be construed
58 as creating or establishing any contractual or vested rights
59 in favor of any person who may be or become qualified
60 as a beneficiary of the payments herein authorized to be
61 made, all the provisions of this article and benefits pro-
62 vided for hereunder being expressly subject to such
63 subsequent legislative enactments as may provide for any
64 change, modification or elimination of the beneficiaries
65 or benefits specified herein.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. C. Cawley
Chairman Senate Committee

W. C. Crockett Jr.
Chairman House Committee

Originated in the House of Delegates

Takes effect *from* passage.

Howard Keyser
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

W. E. Flannery
Speaker House of Delegates

The within *approved* this the *16*
day of *March*, 1955.

William O. Marland
Governor



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SECRETARY OF STATE