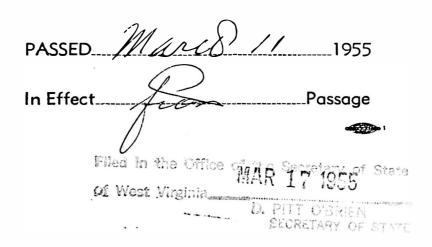
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

ENROLLED







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

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7 the age of sixteen years, or in case any such former 8 municipal employee who is receiving or is entitled to receive a pension under the provisions of this article, or 9 on a disability basis after he shall have been in continuous 10 11 service for more than five years, shall die, leaving surviving him a dependent wife to whom he was married 12 prior to the date of his retirement, or any dependent 13 14 minor child or children who were born prior to or within 15 ten months after such retirement, or dependent mother and/or father, or any dependent brothers and/or sisters 16 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 sum of fifty dollars per month until her death or re-21 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 of twenty dollars per month shall be paid for each such 26 surviving orphaned child; to each such dependent mother 27

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or father the sum of fifteen dollars per month, or if either 28 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, whichever first occurs, but in no event shall the aggregate 33 amount paid to such brothers and sisters exceed thirty 34 dollars per month. But if at any time, because of the 35 36 number of dependents, all such dependents cannot be 37 paid in full as herein provided, then each dependent shall receive his pro rata share of such payments: Provided, 38 however, That in no case shall the payments to the widow 39 40 and children be cut below sixty per cent.

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

47 Absence from service because of sickness or injury shall48 not be construed as time out of service.

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The dependent wife, child or children, or dependent 49 father or mother, brothers or sisters of any such munici-50 pal employee or former municipal employee, who at the .51 :52 time this section takes effect is receiving any pension. payment or benefit from the firemen's or policemen's .53 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.

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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 change, modification or elimination of the beneficiaries :64 or benefits specified herein. 65

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

Chairman Senate Committee 11 Chairman House Commity Originated in the House of Delegates Ano Takes effect ____passage. Clerk of the Senate Clerk of the House of Delegat President of the Senate ner Speaker House of Delegates this the 16 perone The within d March ____, 1955. day of_ illiam Governo -Filed in the Office of the Secretary of State MAR 17 1955 of West Virginia. D. PITT O'BRIEN SECRETARY OF STATE Stern and a terrar 4

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