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 such municipal employee who has been in continuous service for more than five years shall die while in service, leaving surviving him a dependent wife, or any dependent minor child or children, or dependent mother and/or father, or any dependent brothers and/or sisters under
the age of sixteen years, or in case any such former municipal employee who is receiving or is entitled to receive a pension under the provisions of this article, or on a disability basis after he shall have been in continuous service for more than five years, shall die, leaving surviving him a dependent wife to whom he was married prior to the date of his retirement, or any dependent minor child or children who were born prior to or within ten months after such retirement, or dependent mother and/or father, or any dependent brothers and/or sisters under the age of sixteen years, then, and in either of such cases the board of trustees of such pension fund shall pay to or for each of such entitled surviving dependents the following pensions, viz: To such dependent widow, the sum of fifty dollars per month until her death or remarriage; for the support and maintenance of each such dependent child the sum of fifteen dollars per month until such child shall attain the age of eighteen years, or marry, whichever first occurs: Provided, however, That the sum of twenty dollars per month shall be paid for each such surviving orphaned child; to each such dependent mother
or father the sum of fifteen dollars per month, or if either
of them be dead or die, then the sum of twenty dollars
per month to the survivor thereof; to each such dependent
brother or sister the sum of five dollars per month until
such person shall attain the age of sixteen years or marry,
whichever first occurs, but in no event shall the aggregate
amount paid to such brothers and sisters exceed thirty
dollars per month. But if at any time, because of the
number of dependents, all such dependents cannot be
paid in full as herein provided, then each dependent shall
receive his pro rata share of such payments: Provided,
however, That in no case shall the payments to the widow
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.
Absence from service because of sickness or injury shall
not be construed as time out of service.
The dependent wife, child or children, or dependent father or mother, brothers or sisters of any such municipal employee or former municipal employee, who at the time this section takes effect is receiving any pension, payment or benefit from the firemen's or policemen's pension or relief funds, shall continue to receive a pension as provided in the portion of this section fixing the amount to be paid to such dependents.

The provisions of this section shall not be construed as creating or establishing any contractual or vested rights in favor of any person who may be or become qualified as a beneficiary of the payments herein authorized to be made, all the provisions of this article and benefits provided for hereunder being expressly subject to such subsequent legislative enactments as may provide for any change, modification or elimination of the beneficiaries or benefits specified herein.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor

Filed in the Office of the Secretary of State of West Virginia on MAR 17 1955

Secretary of State