WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

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ENROLLED

Com. Jur. for

HOUSE BILL No. 2350

(By Delegate Dempsey, Beane & Frazier)

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Passed 9 March 11, 1995

In Effect 90 Days From Passage
AN ACT to amend and reenact section one, article two, chapter two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to establishing legal holidays; when county commission may designate time off; effect on compensation of certain municipal police and fire department employees; computing time periods and fixing specific dates for official acts and court proceedings; and providing an exception for school holidays.

Be it enacted by the Legislature of West Virginia:

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

§2-2-1. Legal holidays; official acts or court proceedings.

1 (a) The following days are legal holidays:

2 (1) The first day of January is "New Year's Day";

3 (2) The third Monday of January is "Martin Luther King's Birthday";

4 (3) The twelfth day of February is "Lincoln's Birthday";
(4) The third Monday of February is "Washington's Birthday";
(5) The last Monday in May is "Memorial Day";
(6) The twentieth day of June is "West Virginia Day";
(7) The fourth day of July is "Independence Day";
(8) The first Monday of September is "Labor Day";
(9) The second Monday of October is "Columbus Day";
(10) The eleventh day of November is "Veterans' Day";
(11) The fourth Thursday of November is "Thanksgiving Day";
(12) The twenty-fifth day of December is "Christmas Day";
(13) Any day on which a general, primary or special election is held is a holiday throughout the state, a political subdivision of the state, a district or an incorporated city, town or village in which the election is conducted; and
(14) Any day proclaimed or ordered by the governor or the president of the United States as a day of special observance or thanksgiving, or a day for the general cessation of business, is a holiday.

(b) If a holiday otherwise described in subsection (a) of this section falls on a Sunday, then the following Monday is the legal holiday. If a holiday otherwise described in subsection (a) of this section falls on a Saturday, then the preceding Friday is the legal holiday: Provided, That this subsection (b) shall not apply to subdivision 13, subsection (a) of this section.

(c) Any day or part thereof designated by the governor as time off, without charge against accrued annual leave, for state employees statewide may also be time off for county employees if the county commission elects to designate the day or part thereof as time off, without charge against accrued annual leave for county
employees. Any entire or part statewide day off designated by the governor may, for all courts, be treated as if it were a legal holiday.

(d) In computing any period of time prescribed by any applicable provision of this code or any legislative rule or other administrative rule or regulation promulgated pursuant to the provisions of this code, the day of the act, event, default or omission from which the applicable period begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, a Sunday, a legal holiday or a designated day off in which event the prescribed period of time runs until the end of the next day that is not a Saturday, Sunday, legal holiday or designated day off.

(e) If any applicable provision of this code or any legislative rule or other administrative rule or regulation promulgated pursuant to the provisions of this code designates a particular date on, before or after which an act, event, default or omission is required or allowed to occur, and if the particular date designated falls on a Saturday, Sunday, legal holiday or designated day off, then the date on which the act, event, default or omission is required or allowed to occur is the next day that is not a Saturday, Sunday, legal holiday or designated day off.

(f) With regard to the courts of this state, the computation of periods of time, the specific dates or days when an act, event, default or omission is required or allowed to occur and the relationship of those time periods and dates to Saturdays, Sundays or legal holidays, are governed by rules promulgated by the supreme court of appeals, and local rules established by circuit courts.

(g) The provisions of this section do not increase or diminish the legal school holidays provided for in section two, article five, chapter eighteen-a of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within _________________ this the ____________ day of ______________________, 1995.

[Signature]
Governor