

HB 235

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

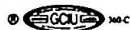
Com. Sub. for
HOUSE BILL No. 2350

(By Delegates Dempsey, Beane & Price)



Passed March 11, 1995

In Effect 90 Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2350

(BY DELEGATES DEMPSEY, BEANE AND PREECE)

[Passed March 11, 1995; in effect ninety 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
- 4 King's Birthday";
- 5 (3) The twelfth day of February is "Lincoln's Birth-
- 6 day";

7 (4) The third Monday of February is "Washington's
8 Birthday";

9 (5) The last Monday in May is "Memorial Day";

10 (6) The twentieth day of June is "West Virginia Day";

11 (7) The fourth day of July is "Independence Day";

12 (8) The first Monday of September is "Labor Day";

13 (9) The second Monday of October is "Columbus
14 Day";

15 (10) The eleventh day of November is "Veterans'
16 Day";

17 (11) The fourth Thursday of November is "Thanks-
18 giving Day";

19 (12) The twenty-fifth day of December is "Christmas
20 Day";

21 (13) Any day on which a general, primary or special
22 election is held is a holiday throughout the state, a political
23 subdivision of the state, a district or an incorporated city,
24 town or village in which the election is conducted; and

25 (14) Any day proclaimed or ordered by the governor
26 or the president of the United States as a day of special
27 observance or thanksgiving, or a day for the general
28 cessation of business, is a holiday.

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

36 (c) Any day or part thereof designated by the
37 governor as time off, without charge against accrued
38 annual leave, for state employees statewide may also be
39 time off for county employees if the county commission
40 elects to designate the day or part thereof as time off,
41 without charge against accrued annual leave for county

42 employees. Any entire or part statewide day off desig-
43 nated by the governor may, for all courts, be treated as if it
44 were a legal holiday.

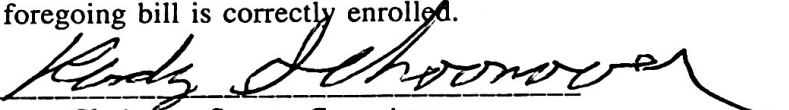
45 (d) In computing any period of time prescribed by
46 any applicable provision of this code or any legislative
47 rule or other administrative rule or regulation promul-
48 gated pursuant to the provisions of this code, the day of
49 the act, event, default or omission from which the
50 applicable period begins to run is not included. The last
51 day of the period so computed is included, unless it is a
52 Saturday, a Sunday, a legal holiday or a designated day
53 off in which event the prescribed period of time runs until
54 the end of the next day that is not a Saturday, Sunday,
55 legal holiday or designated day off.

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

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

73 (g) The provisions of this section do not increase or
74 diminish the legal school holidays provided for in section
75 two, article five, chapter eighteen-a of this code.

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



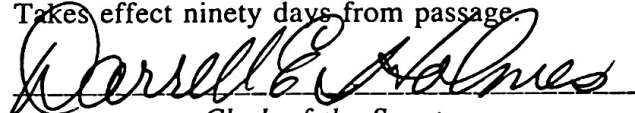
Chairman Senate Committee



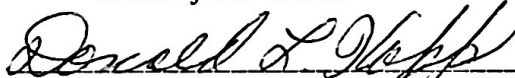
Chairman House Committee

Originating in the House.

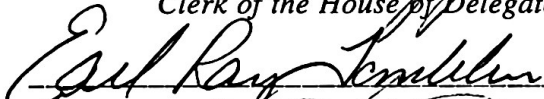
Takes effect ninety days from passage.




Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within _____ this the _____
day of _____, 1995.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/45

Time 8:55 - am